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THE
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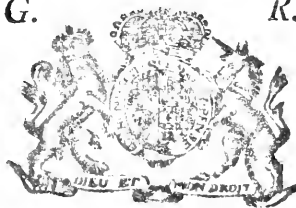
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V O L U M N.

PUBLISH'D by Order of the *General*
Assembly of the aforesaid Province.

G.

R.



PHILADELPHIA: Printed and Sold by *Andrew*
Bradford, Printer to the Province, MDCCXXVIII.

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AT a general Assembly begun at *New-Castle*, the fourteenth Day of *October*, and continued by Adjournment until the Twenty Seventh Day of *November*, in the Twelfth Year of the reign of King *William*, and in the Year of our Lord 1700. On which Day the following Acts were passed by *William Penn*, Esq; absolute Proprietary and Governour in Chief of the Province of *Pennsylvania*, &c. That is to say,

Chap. 1. *The Law concerning Liberty of Conscience.* Repealed by the Queen's Order in Council the 7th of *February*, 1705.

Chap. 2. *An ACT against Riots, Rioters and Riotous Sports, Plays and Games.* Repealed.

Chap. 3. *An ACT against Adultery, Fornication, &c.* Repealed.

Chap. 4. *An ACT against Rape or Ravishment.* Repealed.

Chap. 5. *An ACT against Incest, Sodomy and Beastiality.* Repealed.

Chap. 6. *An ACT against Bigamy.* Repealed.

Chap. 7. *An ACT against Robbing and Stealing.* Repealed.

CHAP. VIII.

An ACT about Boats and Canoes.

BE it Enacted by the Proprietary and Governour, by and with the Advice and Consent of the Free-men of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person or Persons within this Province or Territories, shall fairly take up any Man's Boat or Canoe, the same being a-drift, he shall receive, as a Reward, from the Owner thereof the Sum of *Five Shillings* for a Boat, and *Two Shillings and Six Pence* for a Canoe. And if any Person or Persons shall, at any Time after Publication of this Law, take, carry away or set a-drift a Vessel, Boat or Canoe from any Landing within this Province or Territories, without Leave or Consent first had and

5s. for taking up
a Boat, and 2s. 6.
for a Canoe.
Penalty for taking
a Boat, &c. from
a Landing, &c.

and obtained from the Owner thereof, shall pay double the Value of such Vessel, Boat or Canoe; and the Property of the Vessel, Boat or Canoe so taken away or set a-drift, as aforesaid, shall still remain in the Master or Owner thereof, and the Master or Owner of the same to have one Half of the Penalty or Forfeiture.

Chap. 9. *An ACT against breaking into Houses.* Repealed.

Chap. 10. *An ACT against firing of Houses.* Repealed.

CHAP. XI.

An ACT against forcible Entry.

BE it Enacted, &c. That whosoever shall violently or forcibly enter into the House or Possession of any other Person within this Province or Territories, being duly convicted thereof, shall be punished as a breaker of the Peace, and make such Satisfaction to the Party aggrieved, as the Circumstances of the Fact will bear.

Chap. 12. *An ACT against Menacing and Assault and Battery.* Repealed.

Chap. 13. *An ACT against Murther.* Repealed.

Chap. 14. *An ACT against Sedition, spreading false News and Defamation.* Repealed.

CHAP. XV.

An ACT against removing of Land-Marks.

FOR the greater Security and Certainty of the Boundaries of Land, *Be it Enacted, &c.* That no Person in this Province or Counties annexed, shall cut, fell, alter or remove any certain bounded Tree or other allowed Land-Mark, to the Wrong of his Neighbour or any other Person, under the Penalty of any Sum not less than *Ten Pounds.*

CHAP. XVI.

An ACT against Defacers of Charters, &c.

WHEREAS the Security of Titles and Property in a great Measure depends upon the Safety and Certainty of Writing and Records, *Be it Enacted, &c.* That whosoever shall forge, deface, corrupt or imbezels any Char-

Charters, Gifts, Grants, Bonds, Bills, Wills, Conveyances or Contracts, or shall deface or falsifie any Inrollment, Registry or Record, within this Province or Territories, shall Forfeit double the Value of the Damage thereby sustained, one Half thereof shall go to the Party wronged, and the Person so offending shall be discarded from all Places of Trust, and publickly disgraced as a False Person in the Pillory, or otherwise at the Discretion of the Court before whom the Cause shall be tried.

Forgery, &c. how punished.

Chap. 17. *An ACT for County Seals, and against counterfeit-
ing Hands and Seals.* Repealed.

Chap. 18. *An ACT for regulating the Interest of Money.* Al-
tered and Supplied.

Chap. 19. *An ACT of Priviledges to a Free-Man.* Repealed.

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CHAP. XX.

An ACT against buying Land of the Natives.

BE it Enacted, &c. That if any Person shall presume to buy any Land of the Natives, within the limits of this Province and Territories, without Leave from the Proprietary thereof, every such Bargain and Purchase shall be void and of none Effect.

CHAP. XXI.

An ACT directing how petty Offences shall be punished.

WHEREAS many Times, Persons for Misdemeanors, the Fine of which is but small, being presented by the Grand-Juries, (which hath been the usual Course of Trials in such Cases heretofore) have been put to great Charges by Reason of the Fees that have accrued thereupon: For prevention whereof, *Be it Enacted by the Proprietary and Governor, by and with, &c.* That where the Fine doth not exceed *Twenty Shillings*, One or more Justices of the Peace, upon due Proof of the Offence, or being committed in his or their Presence, may determine and give Judgment in every such Case, and issue Warrants to the Constable to levy the said Fine upon the Offender's Goods and Chattles by Distress and Sale thereof; or may commit the Offender to Prison, as the Law shall direct or require, except in such Cases where the Law leaves the Fine to the Discretion of the County-Court.

One Justice may determine.

- Chap. 22. *An ACT for the Names of Days and Months.* Repealed.
- Chap. 23. *An ACT for the better Provision of the Poor, &c.* Obsolete.
- Chap. 24. *An ACT about the Recording of Deeds.* Repealed.
- Chap. 25. *An ACT for the preventing clandestine Marriages.* Repealed.

CHAP. XXVI.

An ACT about binding to the Peace.

BE it Enacted, &c. That whosoever shall threaten the Person of another, to wound, kill or destroy him or do him any harm in Person or Estate, and the Person so threatened shall appear before a Justice of the Peace, and at-
One Justice may bind to the Peace. test, That he believes that by such threatening he is in Danger to be hurt in Body or Estate, such Person so threatening as aforesaid, shall be bound over, with one sufficient Surety, to appear at the next Sessions or County-Court to be holden for the County where such Offence was committed, to be proceeded against according to Law; and in the mean Time to be of his good Behaviour, and keep the Peace towards all the King's Subjects.

- Chap. 27. *An ACT limiting the Presentments of the Grand-Jury,* Repealed.
- Chap. 28. *An ACT to ascertain the Number of Members of Assembly, and to regulate Elections.* Repealed.
- Chap. 29. *The Law about Attachments.* Repealed.
- Chap. 30. *An ACT for Naturalization.* Repealed.
- Chap. 31. *An ACT for ascertaining the Descent of Lands, and better Disposition of the Estates of Persons Intestate.* Rep.
- Chap. 32. *An ACT for raising County Levies.* Altered and Supplied.
- Chap. 33. *An ACT directing the Attests of several Officers and Ministers.* Repealed.

CHAP. XXXIV.

An ACT for the better Attendance of the Justices on the several Courts of Judicature within this Province and Territories.

TO the End that the respective Justices of the several Counties within this Province and Territories, may give their due Attendance at the same Courts, that Business may speedily be effected, and People dispatched to follow their respective Callings and Affairs, *Be it Enacted, &c.* That the Justices of the Peace shall at the respective County-Courts give their Attendance, under the Penalty or Forfeiture of *Thirty Shillings*, One Half to the Poor of the County, and the other to the Proprietary and Governour, to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the Majority of the Justices at the next sub-sequent Court, to be directed to the Sheriff of the County; unless such absent Justice shall give a sufficient Reason for such his absence, to be allowed on by the said Court at the next sitting thereof.

The Justices to attend at Courts on Penalty of 30 s. and how to be levied.

CHAP. XXXV.

An ACT against Jurors absenting, being lawfully summoned to attend the several Courts of Judicature within this Province and Territories.

BE it Enacted, &c. That all Persons, Freemen within this Province and Territories, being duly and legally summoned to appear at any Court, to serve upon the Jury, or any Inquest required by Law, and shall neglect or omit to give their Attendance, shall be fined by the respective Courts where they were summoned to attend, in any Sum not exceeding *Twenty Shillings*, for the Use of the Poor of the County where such Offence shall be committed, unless at the next succeeding Court they render a reasonable Excuse for such their absence, to be allowed of by the Judges or Justices then present.

20 s. Penalty for not appearing on Juries.

Chap. 36. *An ACT for determining of Debts under 40s.* Rep.

Chap. 37. *An ACT to prevent immoderate Fines.* Repealed.

Chap. 38. *An ACT about Defalcation.* Repealed.

Chap. 39. *An ACT against speaking in derogation of Courts.* Rep.

CHAP.

CHAP. XL.

An ACT for the Appraisement of Goods.

BE it Enacted by the Authority aforesaid, That the respective County Courts within this Province and Territories shall, and hereby have Power, as often as they shall see meet, to nominate and appoint Three sufficient honest and discreet Persons, whom they shall attest to be Appraisers, in their several and respective Counties, to value and appraise all such Goods and Chattles as shall be taken upon Executions, by any Process out of the respective Courts of this Government, or as need shall require, which Goods shall not be sold till such Appraisement be made by them, as aforesaid, or any Two of them, nor till Seven Days after the said Appraisement, to the End the Party or Parties concerned may be present at the Sale thereof if they think fit, which Sale shall be made openly, and in publick Way and Manner, and the Over-plus to be returned to the Owner. And in Case the Goods appraised will not sell for so much as the same are appraised and valued to be worth by the said Appraisers, or any Two of them as aforesaid, the Creditor shall receive them for his pay, according as the same are valued and appraised, returning the Over-plus, as aforesaid. And the said Appraisers shall have, as a Fee, *Two Pence per Pound*, and *Two Pence per Mile*, Journey-Fees.

*County Courts to
nominate Three Per-
sons to be Appraisers*

*And the Goods not
to be sold within Se-
ven Days.*

CHAP. XLI.

An ACT against Barrators.

BE it Enacted by the Authority aforesaid, That if any Person within this Province and Territories, in any Court within the same, be indicted, proved and adjudged a common Barrator, vexing others with unjust and vexatious Suits, he shall be adjudged a common Barrator, and his Suits and Actions rejected if the Court see Cause for the same, and be punished for his Barratry.

Chap. 42. *An ACT to oblige Witnessees to give Evidence, and to prevent false Swearing.* Repealed:

Chap. 43. *An ACT confirming Devises of Lands and validity of non-cupative Wills.* Repealed.

CHAP. XLIV.

An ACT to prevent the Grievous Sin of
Cursing and Swearing within this Province
and Territories.

WHEREAS the Sins of Cursing and Swearing, are odious and abominable to Almighty GOD, and all good Men, and may draw down GOD's Judgments upon any Nation, Country or Province where such grand Offences go unpunished. For the Prevention whereof, and to deter and punish all such Persons within this Province and Territories, as shall swear or accustom them selves to Swearing and Cursing.

Be it Enacted by the Authority aforesaid, That if any Person or Persons within this Province and Territories, from and after the Publication hereof, shall swear in his or her common Conversation, by the name of GOD, CHRIST or JESUS, and shall be legally convict thereof, by one or more credible Witnesses, before any one Justice of the Peace of the Town or County where such Offence was committed, shall for the First Offence, forfeit and pay the Sum of *Five Shillings*, for the Use of the Poor of the County where such Offence was committed; or suffer Five Days Imprisonment in the House of Correction at hard Labour, and be fed with Bread and Water during that Time; and for the Second Offence, *Six Shillings* or Six Days Imprisonment, as aforesaid; and for the Third Offence, *Ten Shillings* or Ten Days Imprisonment, as aforesaid; and for the Fourth Offence, shall be Fined at the Discretion of the County-Court, in any Sum not exceeding *Five Pounds*, or be compelled to Work in Prison at hard Labour, not exceeding Two Months, and shall be deemed a common Swearer, and shall be lyable to be whipped and to receive Twenty one Lashes once in every Three Months, during the sitting of the County-Courts for Seven Years.

*Common Swearers
how convicted.*

*5 s. for the First
Offence or 5 Days Im-
prisonment, &c.*

For the Second .6s.

And be it further Enacted by the Authority aforesaid, That whosoever shall Swear by any other Name or Thing, and is legally convict thereof, shall pay for every such Offence Half a Crown, or suffer Three Days Imprisonment in the House of Correction at hard Labour, and be fed with Bread and Water, as aforesaid.

And be it further Enacted by the Authority aforesaid, That whosoever shall willfully, premeditately or despitefully blaspheme or speak loosely and prophanely of Almighty GOD,

or

Blasphemy, &c. 10l.
Penalty, &c.

or CHRIST JESUS, or the HOLY SPIRIT, or the SCRIPTURES of TRUTH, and shall be legally convicted thereof, shall forfeit and pay the Sum of *Ten Pounds* for the Use of the Poor of the County where such Offence shall be committed, and suffer Three Months Imprisonment at hard Labour, as aforesaid, for the Use of the Poor. And whosoever shall at any Time Curse himself or any other, or any Thing belonging to himself or any other, and is legally convicted thereof, shall pay for every such Offence *Five Shillings*, or suffer Five Days Imprisonment, as aforesaid.

And cursing one's
Self 5s. &c.

CHAP. XLV.

An ACT to prevent Duelling, and Fighting of Duels, within this Province and Territories.

FOR Prevention of Duelling and Fighting of Duels within this Province and Territories, *Be it Enacted by the Authority aforesaid*, That if any Person within this Government Challenge the Person of another, to Fight at Sword, Pistol, Rapier or any other dangerous and destructive Weapon, such Person, so challenging, shall forfeit and pay (being lawfully convicted thereof) the Sum of *Twenty Pounds*, or suffer Three Months Imprisonment at hard Labour; and the Person accepting such Challenge shall forfeit and pay the like Sum of *Twenty Pounds*, or suffer Imprisonment as aforesaid. The said Forfeitures or Payments to be to the Use and Behoof of the Proprietary and Governour, and to no other Use whatsoever.

20l. Fine for him
that gives, and also
for him that accepts
a Challenge, &c.

Chap. 46. *An ACT for empowering Widows and Administrators to sell so much of the Lands of Intestates as may be sufficient to clear their Debts.* &c. Repealed.

Chap. 47. *An ACT for the preservation of the Person of the Proprietary and Governour.* Repealed.

CHAP. XLVIII.

An ACT for taking Lands in Execution for the Payment of Debts, where the Sheriff cannot come at other Effects to satisfy the same.

TO the End that no Creditor may be defrauded of their just Debts, due to them by Persons of this Province and Territories, who have sufficient real Estates, if not personal,

sonal, to satisfy the same; *Be it Enacted by the Authority aforesaid,* That all Lands and Houses whatsoever within this Government, shall be liable to Sale upon Judgment and Execution obtained against the Defendant, the Owner, his Heirs, Executors or Administrators, where no sufficient personal Estate is to be found, with this due Proviso, That the Messuage and Plantation, with it's Appurtenances, upon which the Defendant is chiefly seated, shall not be exposed to Sale before the Expiration of One whole Year after Judgment is obtained; to the Intent that the said Defendant, or any other, on his behalf, may endeavour the Redemption of the same: And before any such Lands, Messuages or Houses, or any other Lands, or Houses whatsoever, taken in Execution, shall be sold, they shall be duly appraised by Twelve Honest and discreet Men of the Neighbourhood, and that then it shall and may be lawful for the Sheriff to make Sale of and convey the same under his Hand and Seal. After which Sale and Appraisement made, as aforesaid, such Land and Houses shall be and remain a free and clear Estate to the Purchaser or Creditor, to whom they are so made over or sold, his Heirs and Assigns for ever; as amply and fully as ever they were to the Debtor.

Real Estates liable to Sale for Payment of Debts.

How to proceed upon Judgment obtained &c.

Provided always, and be it further Enacted, That lawful Interest shall be allowed to the Creditor for the Sum or Value he obtained Judgment for, from the Time the said Judgment was obtained till the Time of Sale, or till Satisfaction made.

Interest shall be allowed the Creditor till Sale, &c.

Provided also, That the chief Plantation or Messuage shall last be taken in Execution, and that where the Appraisement of the Lands taken in Execution, amounts to more than the Debt, Costs and Damages, the Creditor shall not be obliged in such Case to take the Whole and pay the Over-plus, but only to take so much as to satisfy the Execution and no more.

The Creditor not obliged to take the whole Plantation &c.

CHAP. XLIX.

An ACT for the better Regulation of Servants in this Province and Territories.

FOR the just Encouragement of Servants in Discharge of their Duty, and the Prevention of their deserting their Masters or Owners Service, *Be it Enacted by the,* &c.

That no Servant, bound to serve his or her Time in this Province or Counties annexed, shall be sold or disposed of to any Person residing in any other Province or Government,

No Servant to be sold out of this Government, &c.

The Penalty.

without the Consent of the said Servant, and Two Justices of the Peace of the County wherein he lives, or is sold, under the Penalty of *Ten Pounds* to be forfeited by the Seller.

*Nor assigned over
except before a Jus-
tice.*

And be it further Enacted by the Authority aforesaid, That no Servant shall be assigned over to another Person by any in this Province and Territories, but in the Presence of one Justice of the Peace of the County, under the Penalty of *Ten Pounds*, which Penalty, with all others in this Act mentioned, shall be levied by distress and Sale of Goods of the Party offending.

*The Allowance to
Servants at the Ex-
piration of their Ser-
vitude.*

And be it further Enacted by the Authority aforesaid, That every Servant that shall faithfully serve four Years, or more, shall, at the Expiration of their Servitude, have a Discharge, and shall be duly clothed with Two complete Suits of Apparel, whereof one shall be new, and shall also be furnished with one new Ax, one Grubbing-Hoe and one Weeding-Hoe, at the Charge of their Master or Mistress

*And shall serve
Five Days for every
Days Absence from
their Master, &c.*

And for Prevention of Servants quitting their Masters Service, *Be it Enacted by the Authority aforesaid, That* if any Servant shall absent him or her self from the Service of their Master or Owner for the Space of one Day, or more, without Leave first obtained for the same, every such Servant shall, for every such Days absence, be obliged to serve Five Days, after the Expiration of his or her Time, and shall further make such Satisfaction to his or her Master or Owner for the Damages and Charges sustained by such Absence, as the respective County-Courts shall see meet, who shall Order as well the Time to be served, as other Recompence for Damages sustained.

*The Reward for
taking up Run-aways
&c.*

And whoever shall apprehend or take up any Run-away Servant, and shall bring him or her to the Sheriff of the County, such Person shall for every Servant, if taken up within Ten Miles of the Servants abode, receive *Ten Shillings*; and if Ten Miles or upwards *Twenty Shillings* Reward of the said Sheriff, who is hereby required to pay the same, and forthwith to send Notice to the Master or Owner, of whom he shall receive *Five Shillings* Prison Fees, upon the Delivery of the said Servant, together with all other Disbursements and reasonable Charges for and upon the same.

And to prevent the Clandestine-employing of other Mens Servants, *Be it Enacted by the Authority aforesaid, That* whosoever shall conceal any Servant of this Province or Territories, or entertain him or her Four and Twenty Hours, without his
or

or her Master's or Owner's Knowledge or Consent, and shall not, within the said Time, give Notice thereof to some Justice of the Peace of the County, every such Person shall Forfeit *Twenty Shillings* for every Days Concealment. And in Case the said Justice shall not within Twenty Four Hours after Complaint made to him, Issue his Warrant, directed to the next Constable, for apprehending and seizing the said Servant, and commit him or her to the Custody of the Sheriff of the County, such Justice shall for every such Offence Forfeit *Five Pounds*. And the Sheriff shall by the first Opportunity, after he has received the said Servant, send Notice thereof to his or her Master or Owner, and the said Sheriff neglecting or omitting in any Case to give Notice to the Owner or Master of the Servant being in his Custody, as aforesaid, shall Forfeit *Five Shillings* for every Days Neglect, after an Opportunity has offered, to be proved against him before the next County-Court, and to be there adjudged.

And the Penalty for concealing them.

The Penalty on the Justice for Neglect,

As also on the Sheriff.

And for the more effectual Discouragement of Servants embezzeling their Masters or Owners Goods, *Be it Enacted by the Authority aforesaid*, That whosoever shall clandestinely deal or traffick with any Servant, White or Black, for any kind of Goods or Merchandizes, without Leave or Order from his or her Master or Owner, plainly signified and appearing, shall Forfeit treble the Value of such Goods to the Owner; and the Servant if a White, shall make Satisfaction to his or her Master or Owner by Servitude, after the Expiration of his or her Time, to double the Value of the said Goods. And if the Servant be a Black, he shall be severely Whip'd in the most publick Place of the Town-ship where the Offence was committed.

Likewise for dealing with servants of Negroes, &c.

Chap. 50. *An ACT for the erecting and establishing a Post-Office.* Supplied by a late Act of Parliament.

CHAP. LI.

An ACT for the Assize of Bread.

FOR the better Regulation of Bakers and the Assize of Bread, *Be it Enacted by the Authority aforesaid*, That hence-forth every Baker who makes any Bread for Sale, shall have a distinct Mark to be set on all the Bread he shall bake, and shall make it of the true Assize hereafter expressed, *That is to say*, When Wheat is ordinarily sold for

Every Baker to set his Mark on Bread.

Money at any of these several Rates hereafter mentioned, the several Sorts of Bread shall be respectively according to the following Table, by *Troy-Weight*.

Price of Wheat per Bush.		Penny white Bread.		Penny wheaten Bread.		Penny household Bread.	
s.	d.	Oz.	Gr.	Oz.	Gr.	Oz.	Gr.
3	0	10	0	15	2	23	0
3	6	9	1	14	0	21	0
4	0	8	2	12	3	19	0
4	6	7	3	12	0	17	0
5	0	6	3	11	1	16	0
5	6	6	0	10	2	14	3
6	0	5	2	9	3	13	3
6	6	5	0	9	1	12	0

And make it such
Weight, viz.

And shall make 3
Sorts of Bread, &c.

On Penalty, &c.

And so proportionably, under the Penalty of Forfeiting all such Bread as shall not be of the several Assizes before mentioned, to the Use of the Poor where the Offence is committed, and otherwise as is herein after expressed. And that each Baker shall Bake but Three Sorts of Bread, viz. White, Wheaten and Household, and no more; and the Loafs shall be a Penny Loaf or Roll, a Five Penny Loaf, and a Ten Penny Loaf; and that if any of these exceed the Assize in Fineness or Weight, it shall be equally seizable, as it were under the Fineness or Weight. And each Baker of soft Bread shall be allowed Six Pence on the Bushel above the Assize, *That is to say*, When Wheat is at Five Shillings per Bushel, they shall make their Bread as if Wheat were at Five Shillings and Six Pence. And Wheat being at Five Shillings per Bushel, the Penny White Bread shall weigh Six Ounces, the Wheaten Ten Ounces and a Half, and the Household Fourteen Ounces and Three Quarters, and so proportionably, as if the Wheat were sold at Five Shillings and Six Pence.

Bread and Butter
to be tried by the
Clerk of the Market,
to be forfeited if too
light, &c. One third
to the Officer & two
thirds to the Poor.

And for the better Execution of this present Law, *Be it further Enacted by the Authority aforesaid*, That there shall be in every Market-Town, and in all other Towns needful, One Person commissioned by the Proprietary and Governour, to be Clerk of the Market for each Market, who shall be attested duly to perform his Office therein. All which Officers are hereby authorized to enter into all Houses, either with a Constable or without, where they shall suspect or be informed of any Bread baked for Sale, as also to weigh all such Bread, as often

ten as they shall see Cause, and to seize all such as they shall find Deficient ; as also to weigh all Butter made up for Sale, or brought unto or being in the Town or Market to be sold by weight, which if found light a second Time, once after Notice is given, shall be in like Manner forfeited, as also all Bread made for Sale, not being duly marked, as aforesaid ; of all which Forfeitures the said Officer shall have one Third Part for his Trouble, the other two Thirds to the Use of the Poor, as aforesaid.

And for the more effectual Prevention of Frauds herein, *Be it further Enacted by the Authority aforesaid*, That all Persons within this Province and Territories, who bake any Bread for Sale, shall, at all Times hereafter, have all their Bread that they bake, either for Sale or to spend in their Houses made of the due Assize, marked and yielded to Tryal of the said Officer, as is directed in this Act, under the Penalty of forfeiting all such Bread whatsoever, as aforesaid.

Chap. 52. *An ACT for priority of Payment to the Inhabitants of this Government.* Repealed.

Chap. 53. *An ACT for the regulating of Streets and Water-Courses in the Cities and Towns of this Government.* Repealed.

Chap. 54. *An ACT for preventing Accidents that may happen by Fire in the Towns of Bristol, lately called Buckingham, Philadelphia, German-Town, Darby, Chester, New-Castle and Lewis, within this Governmen.* Repealed.

CHAP. LV.

An ACT to empower the Justices in each County to lay out and confirm all Roads, except the King's High-Ways and Publick-Roads.

BE it Enacted by the Authority aforesaid, That all the King's High-Ways or publick Roads within this Province or Counties annexed, shall be laid out by Order of the Governour and Council, for the Time being, which Roads shall be recorded in the Council-Book, with the Courses thereof, as near as may be done.

The King's High-Ways to be laid out by Order of the Governour and Council.

And be it further Enacted by the Authority aforesaid, That the Justices of each County-Court within this Government, shall, and by Virtue of this Act, have Power, as often as they find needful, in open Court to order and appoint Six sufficient

Houles

*And other Roads
In Order of the Jus-
tices of the County
Court, &c.*

*The Manner how
and Breadth,*

*And entered upon
Record.*

*If thro' improved
Lands, to be paid for
by the County,*

House-keepers of the Neighbourhood, inhabiting near the Place where Complaint is made, for want of a Road or Cart-Way unto the publick Road, who shall view the said Place, and if the said House-keepers, or any Four of them, are satisfied that there is Occasion for a Road or Cart-Way to be laid out, according to the Complainant or Complainant's Desire, then they shall and may lay out the same in and through such convenient Places as they shall think may be least to the Damage and Inconveniency of the Neighbours or Parties concerned, and least injurious to the Settlements thereabouts, and of such a Breadth as the Justices shall order and appoint so that it exceed not Fifty Foot, and shall make Return thereof, under their Hands, to the next County-Court after it is laid out; and if then and there the Justices approve the same, it shall at the same Court be entered upon Record, and from thenceforth be taken, deemed and allowed to be a lawful Road or Cart-Way, from that Time forward. *Provided*, That no such Road shall be carried through any Man's improved Lands, but where there is a Necessity for the same, and where that appears, the respective County-Court shall appoint Six indifferent Men to view and adjudge the Value of so much of such improved Lands as shall be taken up for the Use aforesaid, and the Value thereof shall be paid to the Owner of the said Lands out of the respective County-Stock.

*And all such Roads
shall be free for ever*

And to prevent any Difference that may arise among Neighbours, about Roads or Cart-Ways laid out by order of the Governour and Council, or any of the County-Courts in this Government, and which are or shall be entered upon Record, either before or after the making and publishing of this Act, *Be it Enacted by the Authority aforesaid*, That all such Roads and Cart-Ways, as before mentioned, shall be taken, deemed and allowed to be free, open and lawful Roads and Cart-Ways, from the Time they are so laid out and recorded, as aforesaid.

*Upon the Penalty
of 5l. for the Offence.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall presume to stop or hinder any of the said High-Ways or other Roads heretofore laid out, or hereafter to be laid out and allowed of, as aforesaid, and shall commit any Nuisance therein, by falling of Trees, making Fences or any other Way, and do not remove the same forthwith, such Person or Persons shall be fined in the Sum of *Five Pounds*, to be levied by Distress and Sale of the Offender's Goods and Chattles, to be employed by the County-Court for the clearing and removing of the said Nuisances, and the remainder thereof shall be employed by the said Court in repairing and clearing other Roads within the Town-ship where the Offence was committed, any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

CHAP.

CHAP. LVI.

An ACT for regulating and maintaining of
Fences.

FOR preventing of all Disputes and Differences that may arise through the Neglect or Insufficiency of Fences in this Province and Counties annexed, *Be it Enacted by the Authority aforesaid*, That all Corn-Fields and Grounds kept for Inclosures within the said Province and Counties annexed, shall be well fenced with Fence at least Five Foot High, of sufficient Rail or Logs and close at the Bottom; and whosoever not having their Grounds inclosed with such sufficient Fence, as aforesaid, shall hurt, kill or do Damage to any Horse, Kine, Sheep, Hogs or Goats of any other Person, by hunting them or driving them out of or from the said Grounds, shall be liable to make good all Damage sustained thereby to the Owner of the said Cattle. *Provided*, that all Sorts of Swine going at large, contrary to the Intent of an Act made and passed this present Sessions, entituled, *An Act for restraining of Swine from running at Large*, shall not fall nor be deemed within the Construction of this Act. But if any Horse, Kine, Sheep, Hogs or Goats or any kind of Cattle, shall break into any Man's Inclosure, the Fence being of the aforesaid Height and Sufficiency, and by the View of Two Persons for that Purpose appointed by the County-Court, found and approved to be such; then the Owner of such Cattle shall be liable to make good all Damages to the Owner of the Inclosure: For the first Offence Single Damages only, and ever after Double the Damages sustained. And all Persons having any unruly Horses, Mares or Cattle that are not to be kept off by such Fences, as aforesaid, are ordered, and shall be obliged to take effectual Care to restrain the same from trespassing on their Neighbours Inclosures.

Five Foot high a
lawful Fence.

Swine not within
this Act.

And for the better ascertaining and regulating of Partition Fences, *Be it further Enacted by the Authority aforesaid*, That where any Neighbours shall improve Lands adjacent to each other, or where any Person shall inclose any Land adjoining to another's Land already fenced in, so that any Part of the first Persons Fence becomes the Partition Fence between them, in both these Cases the Charge of such division Fence (so far as inclosed on both Sides) shall be equally born and maintained by both Parties. To which End and the others in this Act mentioned, each County-Court within this Province, shall nominate, and is hereby empowered and required to nominate and appoint so many honest and able Men, as they shall think fit, for each County respectively, to View all such Fence and Fences

Division Fence to
be maintained by both
Parties.

And the County-
Court to nominate
persons to be Judges

between them, as also of the sufficiency thereof.

Fences, about which any Difference may happen to arise; and that the aforesaid Persons, in each County respectively, shall be the sole Judges of the Charge to be born by the Delinquent, or by both or either Party; and of the Sufficiency of all Fences, whether Partition Fences or others. And where they judge any Fence to be Insufficient they shall give Notice thereof to the Owners or Possessors, and if any one of these Owners or Possessors, upon the Request of the other, and due Notice given by the said Viewers, shall refuse to make or repair the said Fence or Fences, or to pay the Moiety of the Charge of any Fence before made (being a Division Fence) within Ten Days after Notice given, that then upon Proof thereof before Two Justices of the Peace of the respective County, it shall be lawful for the said Justice to Order the Person aggrieved and suffering thereby, to repair the said Fence or Fences, who shall be re-imburfed his Cost and Charges from the Person so refusing to make good the said Partition Fence or Fences; and that the said Costs and Charges shall be levied upon the Offender's Goods and Chattles, by Warrant from the said Justice, by Distress and Sale thereof, the Over-plus (if any be) to be returned to the Party offending.

And how to proceed therein.

CHAP. LVII.

An ACT for the Erecting of Bridges and maintaining High-Ways.

FOR the greater Conveniency and Ease of travelling in and through this Province and Counties annexed, *Be it Enacted by the Authority aforesaid,* That within Twelve Months after the rising of this General Assembly, Bridges shall be built and maintained over all small Creeks and Rivulers, where the respective County-Courts shall see Cause, from the Falls of Delaware to the utmost Parts of Sussex-County, on the King's Road, Ten Foot broad, with Rails on each Side; * Altered by the [* which County-Courts, shall with the Concurrence of the Grand-Jury] agree with and appoint some Person or Persons to build such Bridges in their respective Counties, who shall be paid for the same out of the respective County Stocks. And where any Creek is the Bounds or Limits of Two Counties, the Charge of a Bridge over such Creek shall be equally paid by each of the said Counties; and to that End it shall be lawful for the Governor and Council to appoint and agree with Work-Men to build such Bridges, as aforesaid, and when built to certify the same,

The County Courts to Order Bridges to be Erected,

How and where.

And the Governor and Council where a Creek is the Bounds of Two Counties and how.

same, with the Charges thereof, to each of the said County-Courts respectively, to be held next after such Bridges are finished, upon which the said Courts shall forth-with Order the County-Treasurer to pay such Undertaker or Undertakers their respective County Moieties for the same.

*And be it further Enacted by the Authority aforesaid, That all Trees, Stumps of Trees and other Incumbrances that lie in or cross any High-Ways shall be cleared, and all Passages in or out of all Creeks, Runs and Branches in the King's Road, and all Passages in and out of all other Creeks, Runs and Branches, where other Roads are or shall be established, shall be made safe and easy both for Horse and Cart: And to that End each respective County-Court shall divide their County into as many Precincts as they shall think fit, and shall every Seventh Month yearly, nominate and appoint one Overseer of the High-Ways over every such Precinct, under the Penalty of Ten Pounds. And every such Overseer shall summon all the Inhabitants of his respective Precinct, as from Time to Time he shall see Occasion, upon the Penalty of Five Pounds, to come to such Place or Places as he shall appoint, and be there ready at or before the Sun be one Hour high, and continue at Work there-at till within an Hour of Sun-set (Meal-Times excepted) upon the Penalty of Twenty Shillings for each wilful Absence or Neglect; and in Case of Non-payment, to be levied by Warrant from the Justices at the next County-Court (directed to such Person as the said Court shall Order and appoint) by Distress and Sale of Goods; which Distress shall be returned to the next Court ensuing, to the Benefit of that Precinct, towards the defraying of the Charge of the High-Ways and Bridges therein. *Provided always, That the said Overseer shall give each of the Inhabitants Six Days Notice before they are to goe out, as aforesaid. And if any publick Road now is or hereafter shall be laid out by Authority over any Mill-Race, which was cut before such Road was laid out, in such Case, if it be the King's-Road, there shall be a Cart-Bridge built and maintained over the said Mill-Race at the Charge of the County, in manner aforesaid. And if it be any other than the King's-Road, then the Overseer of the Precinct wherein it is, shall Order the making and maintaining such Bridge. But if any Mill-Race be cut through any publick Road, which was by Authority laid out before the cutting thereof, then the Owner or Owners of the said Mill-Race shall build such Bridge or Bridges, as aforesaid, at his or their proper Cost or Charges.**

All Roads to be kept clear.

And Overseers of the High-Ways to be appointed, by whom and their Duty.

Bridges over Mill-Races, by whom to be erected, &c.

CHAP. LVIII.

An ACT against Wears crosse Creeks and Rivers.

TO the End that all Persons inhabiting upon or near any Creeks or Rivers in this Province or Counties annexed, may enjoy all Priviledges and Advantages that from them are to be reaped, *Be it Enacted by the Authority aforesaid*, That whosoever shall make a Wear or Wears from one Side of any Creek, in this Province or Counties annexed, to the other Side thereof, shall, for every such Offence, pay *Ten Shillings*, and the Wear or Wears shall be destroyed. *Provided*, That this Act shall not extend to Mill-Dams or Races, nor to such as make Wears on their own Lands, so as they shall not be injurious to others.

No Wears to be made crosse a Creek.

CHAP. LIX.

An ACT against unseasonable firing of Woods.

FOR Prevention of Dangers and Damages that may ensue upon firing of Woods at unseasonable Times of the Year, *Be it Enacted by the Authority aforesaid*. That whosoever shall presume to set on Fire any Woods, Lands or Marshes in this Province or Territories, before the first Day of the first Month, Yearly, or after the first Day of the Third Month, shall make good all Damages that shall thereby happen to any the Inhabitants thereof.

Chap. 60. *An ACT about erecting and regulating the Prices of Ferries.* Supplied.

Chap. 61. *An ACT for the Trial of Negroes.* Repealed.

CHAP. LXII.

An ACT to prevent sickly Vessels coming into this Government.

WHEREAS it hath been found by sad Experience, that the coming and arriving of unhealthy Vessels at the Ports and Towns of this Province and Territories, and the landing

landing of their Passengers and Goods before they have lain some Time to be purified, hath proved very detrimental to the Health of the Inhabitants of this Province, *Be it therefore Enacted by the Authority aforesaid*, That from and after the Publication hereof, no unhealthy or sickly Vessels coming from any unhealthy or sickly Place whatsoever, shall come nearer than one Mile to any of the Towns or Ports of this Province or Territories, without Bills of Health, nor shall presume to bring to Shore such Vessels, nor to land such Passengers or their Goods at any the said Ports or Places, until such Time as they shall obtain a License for their landing at *Philadelphia*, from the Governour and Council, or from any Two Justices of the Peace of any other Port or County of this Province or Territories, under the Penalty of *One Hundred Pounds* for every such unhealthy Vessel so landing as aforesaid, to the Use of the Proprietary and Governour. And that suitable Provision be ordered by the Governour and Council for their Reception, if they be permitted to land or come on Shore.

Sickly Vessels not to come within a Mile of Philadelphia or other Town without Licence on 100l. Penalty.

Chap. 63. *An ACT for the sitting of the Orphan's Courts.* Supplied.

Chap. 64. *An ACT requiring all Masters and Commanders of all Ships and Vessels to make Report at the Town of New-Castle, that are or shall be bound to and from the Sea,* Repealed.

Chap. 65. *An ACT for the levying of Fines.* Repealed

Chap. 66. *The LAW about Departers out of this Province,* Repealed.

Chap. 67. *An ACT against mixing and adulterating strong Liquors.* Repealed.

Chap. 68. *The LAW against Scolding.* Repealed.

Chap. 69. *An ACT about killing of Wolves.* Repealed.

CHAP. LXX.

An ACT concerning Bills of Exchange.

BE it Enacted by the Authority aforesaid, That if any Person or Persons within this Province or Territories, shall draw or endorse any Bill or Bills of Exchange, upon any Person or Persons in *England* or other Parts of *Europe*, and the same be returned back unpaid, with a legal Protest, the Drawer thereof, and all others concerned, shall pay and discharge the Contents of the said Bill or Bills, together

20 per Cent. on protected Bills of Exchange. with *Twenty Pounds per Cent.* Advantage for the Damage thereof, and so proportionable for greater or less Sums, in the same Specie the same Bill or Bills were drawn, or current Money of this Province, equivalent to that was first paid by the Drawer or Indorser.

Chap. 71. *An ACT for regulating Money - Weights, &c.*
Obsolete.

Chap. 72. *An ACT appointing the Rate of the Money or Coin in this Province, &c.* Repealed by Her Majesty's Order in Council the 30th Day of July, 1703.

CHAP. LXXIII.

An ACT for regulating Weights and Measures.

BE it Enacted, &c. That in each County of this Province and Territories, there shall be had and obtained within Two Years after the making of this Law, at the Charge of each County, to be paid out of the County-Levies, Standards of Brads for Weights and Measures, according to the King's Standards for the Exchequer, which Standards shall remain with such Officer in the Counties aforesaid, as shall be from Time to Time appointed by the Governour, with the Advice of the Council: And every Weight according to it's Scantling, and every Measure, as Bushels, Half-Bushels, Pecks, Gallons, Pottles, Quarts and Pints, shall be made just Weights and Measures, and marked by him that keeps the Standards. And that no Person within this Province and Territories, shall presume to buy and sell by any Weights or Measures not sealed or marked in Form aforesaid, and made just according to the Standards aforesaid, by the Officers in whose Possession the Standards remain, on Penalty of forfeiting *Five Shillings* to the Prosecutor, being convicted by one Justice of the Peace, of the unjustness of his Weights and Measures. And that once a Year, at least, the said Officer with the Grand-Jury, or the major Part of them, or for want of the Grand-Jury, with such as shall be allowed and appointed by the respective County-Court aforesaid, for Assistance, shall try the Weights and Measures in the Counties aforesaid. And those Weights and Measures that are defective, to be seised by the said Officer and Assistants; which said Officer shall have for his Fees for making each Bushel, Half-Bushel and Peck just Measure, and marking the same, (that is large enough when brought to his Hands) shall have *Ten Pence*; and for every lesser

Standards of Weights & Measures to be kept in each County.

And an Officer appointed, by whom and his Duty.

All Weights to be sealed.

On Penalty of 5s.

The Officer to try all Weights once a Year.

His Fees.

lesser Measure *Three Pence*: For every Yard *Three Pence*: For every Hundred and Half-Hundred Weight, being made just and marked, *Three Pence*; for every lesser Weight, *One Penny*. And if the Weights and Measures be made just before they be brought to him, then to have but Half the Fees aforesaid, for marking the same. And if the Officer shall refuse to do any Thing that is enjoined by this Law, for the Fees appointed, and be duly convicted thereof, shall Forfeit *Five Pounds* to the Use of the Proprietary and Governour.

The Penalty on the Officer for misbehaviour.

Provided always, And it is hereby Enacted, That the Brass Half-Bushel, now in the Town of Philadelphia, and a Bushel and Peck proportionable, and all lesser Measures and Weights coming from England, being duly sealed in London, or other Measures agreeable therewith, shall be accounted and allowed to be good by the aforesaid Officers, until the said Standards shall be had and obtained.

What shall be deemed lawful Measures and Weights.

And be it further Enacted by the Authority aforesaid, That no Person shall sell Beer or Ale by Retail but by Beer Measure, according to the Standard of England.

Altered by a later Act.

Chap. 74. *An ACT to prevent the Sale of ill tann'd Leather, and working the same into Shoes and Boots.* Repealed.

CHAP. LXXV.

An ACT for keeping a Registry in religious Societies.

BE it Enacted by the Authority aforesaid, That the Registry now kept, or which shall be hereafter kept by any religious Society, in their respective Meeting-Book or Books of any Marriage, Birth or Burial, within this Province or Territories thereof, shall be held good and authentick, and shall be allowed of upon all Occasions whatsoever.

Chap. 76. *An ACT for viewing Pipe-Staves.* Repealed.

Chap. 77. *An ACT for the preventing of Swine running at Large.* Repealed.

Chap. 78. *An ACT That no Publick-House or Inn within this Government, be kept without Licence,* Repealed.

Chap. 79. *An ACT for the better assessing and raising of County-Levies for this present Year.* Expired.

CHAP. LXXX.

An ACT for the ascertaining the Dimensions of Cask, and for the true packing of Meat for Transportation.

WHEREAS it is the Interest of all Governments to exercise Truth and Uprightness in all their Trade and Dealings, which many Persons for their private Interest too often violate: To the End therefore that the same may be observed in the Traffick and Commerce of this Province and Territories, and especially that the Commodities generally exported to foreign Markets, may be Good, in respect of their Quality, and compleat in respect of their Quantity, *Be it Enacted by the Authority aforesaid*, That all Tight Cask for Beer, Ale, Sider, Pork, Beef and Oyl, and all such Commodities, shall be made of good, sound, well-seasoned White-Oak Timber, and shall contain as followeth, *viz.* The Puncheon Eighty Four Gallons; the Hogshead Sixty Three Gallons; the Teirce Forty Two Gallons; the Barrel, Thirty One Gallons and a Half, and the Half Barrel Sixteen Gallons Wine-Measure, according to the Practice of our Neighbouring Colonies; and that all Coopers set their Marks on the said Casks respectively, on Penalty of forfeiting the same.

The Contents of Cask.

And to prevent the Exportation of unsound and unmerchantable Beef, *Be it Enacted by the Authority aforesaid*, That no Person after the Publication hereof, shall presume to Ship any Beef or Pork before it be first viewed and packed, or repacked, by an Officer or Packer to be for that purpose appointed, which shall, after the Officer's View and Approbation, be marked with the said Officer's Mark; and any Person or Persons that shall ship on board any Vessel, any Beef or Pork, in Order to be transported, without the said Officer's Mark, as aforesaid, he or they for every such Cask shall forfeit and pay the Sum of *Ten Shillings*; and the Justices of the respective County-Courts, within this Government, shall nominate and appoint such Officer or Packer, as aforesaid; which Officer shall have *Nine Pence* for the packing, pickling and heading of every Barrel.

Altered & supplied by an Act of the 13 of King George.

And be it further Enacted, &c. That all Bisket and Flower made for Transportation, shall be well made and honestly and truly packed for the Encouragement of our Trade and Credit, that those who purchase the same may not be cheated or defrauded. And all such Persons that make Flower or Bisket for Transportation, shall set their several Brand-Marks on each Cask, before

Altered and supplied by the 12 of King George.

before Ship'd, on Penalty of *Five Shillings* for every Cask by them sold and unmarked, as aforesaid. And if any Bread or Flower shall pass out of this Province or Territories false packed, and the same happen to be returned, in all such Cases the Persons offending shall pay to the Party wronged double Damages for the same.

And be it further Enacted by the Authority aforesaid, That every Cooper, Baker or Bolter shall enter, or cause their respective Brand-Marks to be entered in a Book for that Purpose to be kept by the said Officer or Packer.

And for the better enabling Coopers to comply with this Act, *Be it Enacted by the Authority aforesaid*, That all Hoghead-Staves shall be Three Foot and a Half long, and Three Inches broad, clear of Sap: Barrel-Staves, Two Foot and Four Inches long, and Three Inches broad, clear of Sap; and that all Hoghead and Barrel-Staves that are not of the aforesaid Dimensions, shall not be accounted merchantable, but be reckoned Two for One.

*Dimensions of
Hoghead-Staves.*

And that the Tobacco made and raised in this Government, may be, at least, in equal Reputation abroad with those of other Colonies, it is necessary that the Planters and Makers thereof use honesty in the handling, and faithfulness in the packing thereof, *Be it therefore Enacted by the Authority aforesaid*, That all Tobacco-Hogheads shall be made of good, seasoned Timber, Four Foot long, or within an Inch more or less, and Thirty Two Inches in the Head, equal with the Gauge of Maryland, Four of which Hogheads shall be accounted a Ton, and every Cask in which Tobacco is to be packed, shall be first tared and marked with the true Tare thereof, by the Planter or Packer of such Tobacco, under the Penalty of *Twenty Shillings*, to be forfeited by the said Planter to the Person that may be wronged thereby. *Provided*, That by Reason of the Difference often found between Stilleyards and Scales, no Person shall be liable to pay the Penalty aforesaid, where the Difference in one Draught is not above Five Pounds Weight. And for every Tobacco-Hoghead, of the Dimensions aforesaid, the Buyer shall allow to the Planter or Seller, *Five Shillings* current Money of *Pennsylvania*.

*Tobacco to be honestly
bonled & pack'd
And in what Size
Cask, &c.*

And be it further Enacted by the Authority aforesaid, That if any Person after the Publication hereof, wilfully and fraudulently pack, or cause to be packed into Hogheads and offer to Sale, any trash or seconds, rotten or Frost-bitten Tobacco, or such as shall be altogether unmerchantable, or otherwise than what shall appear upon the Head or Out-Side of

Penalty.

of the said Tobacco, when packed (and the same be discovered and found out before it be removed from the Place of Sale) being duly convicted thereof, shall pay for every such Hoghead, so packed, *Forty Shillings* current Money of this Government, to the Poor of the County where the Offence shall be committed, any Law, Usage or Custom to the Contrary notwithstanding.

Dimensions of
Flower-Cask.

And be it further Enacted by the Authority aforesaid, That no Bread or Flower Cask shall be made for Transportation of larger Dimensions than double the Gauge of Wine-Measure above mentioned, viz. The Half-Barrel not to exceed Thirty One Gallons and a Half, the Barrel Sixty Three Gallons, and so proportionably. *Provided always*, That any Person may make Cask as much less as they please to suit any Market.

CHAP. LXXXI.

An ACT about cutting Timber-Trees.

BE it Enacted by the Authority aforesaid, That if any Person or Persons within this Province or Territories, shall be convicted of Cutting or Felling any Black Walnut Trees upon another Person's Land, without Leave, he shall Forfeit to the Owner thereof *Five Pounds* for every Tree so Felled and cut. and for other Timber *Fifty Shillings* each Tree, and for Fire or under Wood, double the Value thereof, to the Use aforesaid.

Chap. 82. *The LAW against Drunkenness and Healths drinking.*
Repealed.

Chap. 83. *An ACT for Bailing of Prisoners and about Imprisonment.* Repealed.

Chap. 84. *An ACT against Pirates and Sea-Robbers.* Rep.

Chap. 85. *An ACT for granting an Impost upon Wines, Rum, Beer, Ale, Sider, &c. imported, retailed and sold in this Province and Territories.* Expired.

Chap. 86. *An ACT for raising of One Penny per Pound, and Six Shillings per Head for Support of Government, and Payment of Debts, and defraying the necessary Charge thereof.* Expired.

Chap. 87. *An ACT for granting and raising to the Proprietary and Governour, the Sum of Two Thousand Pounds, upon the real Value of all real and personal Estates, and upon the Polls of all Free-men within this Province and Counties annexed.* Expired. Chap.

Chap. 88. *An ACT for the effectual Establishment and Confirmation of the Free-Holders of this Province and Territories, their Heirs and Assigns in their Lands and Tenements.* Repealed.

Chap. 89. *An ACT for erecting a Bridge over the Creek at Chester in the County of Chester.* Repealed.

CHAP. XC.

An ACT about Country Produce to be current Pay in the Territories of the Province of Pennsylvania.

WHEREAS there is a Necessity, for the sake of Commerce, that the Growth or Produce of the Territories annexed to the Province of *Pennsylvania*, shall pass in the lieu of Money, *Be it enacted, &c.* That all Merchantable Wheat, Rye, Indian-Corn, Barley, Oats, Pork, Beef and Tobacco shall be accounted current Pay at the Market Price within the said Territories, except where Contract is made for Silver Money or other Specie. *Provided,* That where the Debtor hath divers sorts of such Country Produce, as aforesaid, it shall be in the Election of the Creditor, which of them he will accept for his Debt.

Chap. 91. *The LAW for continuing and confirming the Laws hereafter expressed.* Repealed.

CHAP. XCII.

The LAW about Court proceedings and Summons.

BE it Enacted, &c. That in all Courts, all Persons of all Perswasions, may freely appear in their own Way, and according to their own Manner, and there personally plead their own Cause themselves, or if unable, by their Friends; and that the first Process shall be the Exhibition of the Complaint Fourteen Days before the Tryal: And that the Defendant may be prepared for his Defence, he or she shall be summoned no less than Ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-house, to Answer unto; but before the Complaint of any Person shall be received, he or she shall solemnly declare in open Court, *That he or she believeth in his or her Conscience that his or her*

Any Person may appear and plead his own Cause in all Courts.

The Method of proceeding.

Cause is Just. And if the Party complained against, shall, Notwithstanding, refuse to appear, the Plaintiff shall have Judgment against the Defendant by Default.

CHAP. XCIII.

The LAW about Summoning of Juries.

THAT due Preparation may be made for Dispatch of Justice, *Be it Enacted &c.* That the Sheriff of every County shall (Ten Days before the sitting of the ordinary Courts of Justice) summon a sufficient Number of Free-men, to attend the said Court, for the Service of the said County; and upon Neglect of his Duty herein, to pay double Damages to the Party or Parties grieved.

CHAP. XCIV.

The LAW about Forms of Writs.

TO the end that Plainness, and Brevity may be used, *Be it Enacted, &c.* That all Arrests and Summons to answer, &c. Made according to the following Forms, shall be held legal and authentick within this Government.

An Arrest.

THESE are in the King's Name to Command thee to arrest the body of A. B. if found in thy Bailiwick, and him safely keep, and have at the next County-Court, to be held, *The form of Writs.* &c. on the ---- Day of the ---- Month next, as well to answer the Complaint of C. D. as to abide the Judgment of the said Court; and make Return thereof, and of thy doing therein at the said Court, fail not at thy Peril; and for thy so doing this shall be thy sufficient Warrant. Given under my Hand and Seal this ---- Day of the ---- Month, in the ---- Year of the Reign of William the 3d, &c. Annoq; Dom.
To the Sheriff, &c.

*Summons.**And Summons.*

THESE are in the King's Name to require thee A. B. to be and appear at the next County-Court to be held at on the Day of the Month next, to answer the Complaint

plaint of C. D. and hereof fail not at thy Peril. Given under
my Hand and Seal this Day of the Month, in the
Year of the Reign of over England, Annoq; Dom.

CHAP. XCVI.

The LAW about Indian-Traders.

WHEREAS great Complaints have been made, that
divers Persons who are Non-Residents and unsettled,
come into this Province, and privately and clandestinely
Deal and Trade with the *Indians*, who by Reason of
their Non-Residence, as aforesaid, and frequent Removal from
one Province to another, are not careful to maintain a fair Correspondence
with the said *Indians*, and often oppress and abuse
them in their way of Trading and Dealing with them, which
may provoke and stir up the *Indians* to a Revenge of the
said Abuses, to the great Prejudice and Disquietude of the
Inhabitants of this Province, who are fixed therein, and have
been instrumental in the settling, promoting and advancing
the Welfare and Well-being thereof, *Be it Enacted, &c.* That
no Person, Non-Resident, either on Shore or on Board any
Vessel, (except such as come here with their Families with
an intent to settle) Deal or Trade with any *Indians* within this
Government, upon any Pretence whatsoever, upon the Forfeiture
of *Five Pounds* for every such Offence, and the Goods
so purchased, one Half to go to the publick Use of the County,
and the other Half to the Discoverer.

*Non Residents not
to trade with the
Indians on Penalty
of 5 l. &c.*

And be it further Enacted, That no Inhabitant within this
Province or Territories, from hence-forth, under the Penalty
aforesaid, presume to Deal or Trade with the *Indians* in the
Woods, at their Towns or Wigwams, after any private or
clandestine Manner, but at their respective Mansion-houses,
which said Dwelling-houses, shall be adjudged so to be by the
respective Court in each County, any Law, Custom or Usage
to the Contrary notwithstanding.

*Nor the Inhabitants
in the Woods, &c.*

Chap. 97. *An ACT about Officers Fees*, Supplied.

Chap. 98. *An ACT for Establishing Courts of Judicature.*
Repealed.

Chap. 99. *An ACT directing the Punishment of Larceny under*
Five Shillings. Supplied.

CHAP. C.

An ACT about Attachments under Forty Shillings.

See other Attachments &c. in the 1. Georgi.

WHEREAS by the Twenty Ninth Law of this Government, made at *New-Castle*, in the Year 1700. *It was Enacted*, That the Justices of the respective Counties should grant Writs of Attachment, which were to be served by the Sheriffs or Coroners; but forasmuch as by that Law no Attachments can be granted for a Debt under *Forty Shillings*, which could it be, the Charges thereof would amount to more than the Debt it self before the Creditor receives the same; therefore for the Ease and Benefit of the People, *Be it Enacted, &c.* That if any Person shall absent him or her self out of this Government, not taking care to satisfy and Pay his or her just Debts, it shall and may be Lawful for any Justice of the Peace, where such Persons Effects are, to grant a Writ of Attachment for any Debt under *Forty Shillings*, directed to the Constable to Attach the Goods and Chattles, or other Effects of such Person, to Answer the Creditor; and if he or she shall make Proof of his or her said Debt, the Justice shall award Execution for the same, to be executed by the Constable, who shall have *Two Shillings* for serving the Writ of Attachment, and *Three Shillings* for serving the Execution, which said Goods or other Effects shall be brought to an Appraisement, but not sold until the Expiration of Three Months next after, to the End that the Debtor may have Time to redeem them, if he see Cause, any Act or Law in this Government to the Contrary in any wise notwithstanding.

CHAP. CI.

An ACT for the preventing of clandestine Marriages.

FOR the preventing of clandestine, loose and unseemly Proceedings in Marriage within this Province and Counties annexed, *Be it Enacted, &c.* That all Marriages not forbidden by the Law of God, shall be encouraged, but the Parents or Guardians shall, (if conveniently they can) be first consulted with, and the Parties Clearness of all Engagements, signified by a Certificate from some credible Person where they have lived, or do live, Produced to such religious Society to which they relate, or to some Justice of the Peace of the

How to be done.

the County in which they live, and by their affixing their Intentions of Marriage on the Court-house or Meeting-house Door in each respective County where the Parties do reside or dwell, one Month before Solemnization thereof; the which said Publication, before it be so affixed, as aforesaid, shall be brought before one or more Justices of the Peace in the respective Counties to which they respectively belong, which Justice shall subscribe the said Publication, Witnessing the Time of such Declaration, and Date of the said Publication, so to be affixed, as aforesaid. And that all Marriages shall be solemnized by taking each other for Husband and Wife before Twelve sufficient Witnesses, and the Certificate of their Marriage, under the Hands of the Parties and Witnesses, at least Twelve, and one of them a Justice of the Peace, shall be brought to the Register of the County where they are married, and registered in his Office. And if any Servant or Servants shall procure themselves to be married without Consent of his or her Master or Mistress, such Servant or Servants shall for such their Offence each of them serve their respective Masters or Mistresses One whole Year after the Time of their Servitude, by Indenture or Engagement, is expired. And if any Person being Free, shall marry with a Servant, as aforesaid, he or she so marrying shall pay to the Master or Mistress of the Servant, if a Man *Twelve Pounds*, and if a Woman, *Six Pounds*, or *One Year's Service*, and the Servant so being married, shall abide with his or her Master or Mistress according to Indenture or Agreement, and One Year after, as aforesaid. And if any Person shall presume to Marry, or be Witnesses to any Marriage Contrary to this Act, such Person, so married, shall Forfeit *Twenty Pounds* to the Proprietary and Governour, and the Witnesses being present at such Marriage, shall Forfeit and pay each of them *Five Pounds*, to the use of the Proprietary and Governour, as aforesaid, and pay Damages to the Party grieved, to be recovered in any Court of Record within this Government.

Marriage by Justice of the Peace.

If Servants marry with their one whole Year more, &c.

And if any free Person marries a Servant now &c.

The Penalty of Marrying &c.

Contrary to this Act.

Provided, That this Law shall not extend to any who shall marry or be married in the religious Society to which they belong, so as Notice shall be given by either of the Parties to the Parents, Masters, Mistresses or Guardian, one full Month, at least, before any such Marriage be solemnized.

Except

And it is further Enacted by the Authority aforesaid, That no Licence or Dispensation shall hinder or obstruct the Force or Operation of this Act, in Respect of Notice to be given to Parents, Masters, Mistresses or Guardians, as aforesaid.

CHAP. CII.

*An ACT for preventing Accidents that hap-
pen by Fire in the Towns of Bristol (formerly
called Buckingham) Philadelphia, Ger-
man-Town, Derby, Chester, New-Castle
and Lewis, within this Government.*

*40 s. penalty for
Chimneys taking fire
&c.*

BE it Enacted by the Authority aforesaid, That if within Ten Days after the Publication hereof any Person or Persons within any of the said Towns set on Fire their Chimnies to cleanse them, or shall suffer them, or any of them to be so foul, as to take Fire and Blaze out at the top, and be duly convicted thereof by Two credible Persons of the Neighbourhood, before some one Justice of the Peace, such Person or Persons shall Forfeit for every such Offence *Forty Shillings*.

*Buckets &c. to be
provided and kept*

By whom &c.

And for the further securing of Houses, and preventing of Fire from destroying them in the said Towns, *Be it Enacted by the Authority aforesaid*, That every Owner or Tenant of every Dwelling-house within the said Towns, shall within Ten Days after the Publication hereof, provide and keep in or by his or her House a Swab at least Fourteen Foot long, as also Two Leather Buckets, within six Months at farthest, after the Publication aforesaid, to be always ready against any Accidents of Fire, under the Penalty of *Ten Shillings* for every respective Neglect hereof, to be convicted as aforesaid.

*One Shilling Fine
for Smoking in the
Street.*

And be it further Enacted, That if any Person shall presume to Smoke Tobacco, in the Streets of *Philadelphia*, either by Day or Night, shall Forfeit for every such Offence *Twelve Pence*, all which said Fines shall be paid to the respective Justices of each Township, for the use of the Town, and are to be Employed for buying and providing Leather-Buckets, Hooks and other Instruments and Engines against Fires, for the publick Use of each Town respectively.

*This Clause alter-
ed by the Law for
erecting a Powder
House in Philadelphia*

And be it further Enacted by the Authority aforesaid, That no Person within the Town of *Philadelphia* after Six Months next following the Publication hereof, presume to keep in their Houses, Shops or Ware-houses more than Six Pounds of *Gun-Powder* at one Time, unless it be Forty Perches distant from any Dwelling House, under the Penalty of *Ten Pounds* for every such Offence, to the Use aforesaid, to be convicted in Manner above express.

And

And it is hereby further Enacted, That it shall and may be lawful for any one or more Justices of the Town of Philadelphia to procure or cause to be made, Four or Six good sufficient Hooks for pulling down Houses, in Case of Fire (the said Justice or Justices taking to his or their Assistance Two or more of the skilful Free-holders, for that Purpose) The said Hooks to be paid for out of the Fines that shall or may accrue by this Act, or for want thereof, out of any other Money that is or shall be raised in Philadelphia for the Use of said Town.

Hooks to be provided and by whom &c.

Chap. 103. An ACT against Swine running at large in several Townships, &c. Repealed.

CHAP. CIV.

An ACT for the Destruction of Black-Birds and Crows.

WHEREAS it manifestly appears, by the innumerable Quantities of Black-birds and Crows that continually Haunt in this Province and Territories, to the great Prejudice, Hurt and Annoyance of the Inhabitants thereof, being very destructive to all sorts of Corn and Grain that is raised therein, so that the Peoples Labour is much destroyed thereby, and that the People may for the Future be the better encouraged in their Labour and Industry, by destroying such Birds, thereby to hinder the great Increase, *Be it Enacted by the Authority aforesaid*, That whosoever shall at any Time hereafter kill either Black-birds or Crows shall for all such Black-Birds that he or they shall so kill, have *Three Pence* the Dozen, and for every Crow *Three Pence*, *Provided*, That such Person or Persons do and shall bring the Heads of all such Black-Birds or Crows, to such Person or Persons as shall, by the respective County-Courts in each County within this Province and Territories, be appointed to receive and take an Account of the same, which said County-Courts are hereby impowered and required yearly, to appoint, from Time to Time, as many Persons as they think convenient for that Service; and that such Person or Persons who shall be appointed to receive and take an Account of all such Black-Birds and Crows, as aforesaid, shall have and receive for the same, after the Rate of *Ten per Cent*. All which said Sum or Sums of Money, as the same shall amount unto, shall be defrayed and paid out of the publick Stock, to be levied and raised in such manner and form in each County as other publick Charges of this Government are used to be raised and discharged.

3d. per Dozen for Black birds and 3d. a piece for Crows. Vide County Levy Act.

Provided,

Provided, That all and every such Person and Persons who are so appointed to receive and take an Account of the Heads of all such Black-Birds and Crows that shall be brought to them by the Inhabitants, as aforesaid, be attested to the faithful Discharge of their Duty therein, and to keep an exact Account thereof, which account shall be deemed good and effectual; and that such Persons shall yearly bring their Accounts to the Court and Grand-Jury at such Time as is by the Law appointed for Calculating the publick Charges of the County.

Chap. 105. *An ACT for the Sale of the Court-House and Prison in the County of Chester.* Approved.

CHAP. CVI.

An ACT against Selling Rum and other strong Liquors to the Indians.

WHEREAS our Proprietary and Governour, and the Representatives of the Free-men of this Province and Territories in General Assembly met, are still desirous to induce the *Indian Nations* to the Love of the *Christian Religion*, by the gentle, sober and just Manners of profest *Christians* (under this Government) towards them; and it being too obvious that divers Persons within this Province, have used and practised the selling of Rum, Brandy and other strong Liquors in such Quantities to the *Indians*, many of whom are not yet able to govern themselves in the Use thereof (as by sad Experience is too well known) that they are generally apt to drink to great Excess, whereby they are not only liable to be cheated, and reduced to great Poverty and Want, but sometimes inflamed to destroy themselves, and one another, and terrifie, annoy and endanger the Inhabitants. And forasmuch as several *Sachims* or *Sachamacks*, Kings of the *Indian Nations* have, in their Treaties with the Proprietary and Governour, earnestly desired, that no *European* should be permitted to carry Rum to their Towns because of the Mischiefs before expressed. And since these evil Practices tend to the great Dishonour of God, Scandal of the *Christian Religion*, and hindrance to the Imbracing thereof, as well as drawing the Judgments of God upon the Country, if not timely prevented, For the prevention whereof for the Future, Be it Enacted by the Authority aforesaid, That if any Person inhabiting in this Province, or others, shall, after the Publication hereof, directly or indirectly sell, barter, give

The reason of this Act.

Ten Pounds Forfeiture for selling Rum &c. to the Indians.

or

or exchange, by themselves or others, any Rum, Brandy or other Spirits, mix'd or unmix'd, to or with any *Indian* within this Province, and be lawfully convicted thereof, shall for every such Offence Forfeit *Ten Pounds*, one Half to the Use of the County wherein he is convicted, and the other Half to the Discoverer and Prosecutor, to be recovered in any Court of Record within this Government, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

And whereas it hath been very difficult to prevent this Evil, for want of Proof against the Offenders, because they privately deal with the *Indians*, and very often back in the Woods, out of the View of any but themselves, *Therefore be it Enacted by the Authority aforesaid*. That the Evidence of one profest *Christian*, with other probable Circumstances, to the Satisfaction of the the Court and Jury, shall be sufficient to convict the Offenders herein.

How to convict the Offenders.

And be it further Enacted by the Authority aforesaid, That all Rum, Brandy or other strong Liquors, that shall be carried or offered to Sale or Disposal to or at any of the *Indian-Towns* or Habitations, within the Bounds of this Province, the same shall be Forfeit, and is hereby declared to be forfeited, one Third to the Governour, and two Thirds to such Person or Persons as shall seize the same. And all Persons (as well *Indians* as others) are hereby impowered to seize and secure all such Rum, Brandy and other strong Liquors, so found at any *Indian-Towns* or Settlements, as aforesaid.

Rum &c. carried to their Towns to be forfeited.

And whereas some Persons in this Province, have heretofore taken Match-Coats, Guns, Kettles and other Necessaries of Hunting and Cloathing, in Pawn from the *Indians*, whereby (being disabled to hunt) they have been deprived of a necessary Subsistence: For Prevention wherof for the Future, *Be it Enacted by the Authority aforesaid*, That no Person within this Province, shall at any Time hereafter, take or receive of any *Indian* any Pawn whatsoever, for any Rum, Brandy or other strong Liquors, or other Goods, under any Pretence whatsoever, under the Penalty of forfeiting of such Pawn to the *Indian* or *Indians* so pawing the same, as aforesaid, over and above the Fine of *Ten Pounds* aforesaid; the said Pawn, forfeited as aforesaid, to be seized by Warrant from the next Justice of the Peace, directed to the Constable of the Place where such Offenders shall live, upon Complaint and sufficient Proof made thereof to him, as aforesaid.

No Person to take any Pawn of an Indian.

AT a General Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Fourth Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great-Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Five. and continued, by Adjournments, till the Twelfth Day of *January*, then next ensuing: On which Day the following Acts were passed by *John Evans*, Esq; Lieutenant Governour under *William Penn*, Esq; absolute Proprietary and Governour in cheif of the said Province of *Pennsylvania*, &c. That is to say,

CHAP. CVII.

The LAW concerning Liberty of Conscience.

ALMIGHTY GOD being only Lord of Conscience, Author of all divine Knowledge, Faith and Worship, who can only enlighten the Minds and convince the Understanding of People, in due Reverence to his Sovereignty over the Souls of Mankind, and the better to unite the Queen's Christian Subjects in Interest and Affection, *Be it Enacted by John Evans, Esq; (by the Queen's Royal Approbation) Lieutenant Governour under William Penn, Esq; absolute Proprietary and Governour in chief of the Province of Pennsylvania, and Counties annexed, by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same,* That no Person now, or at any Time hereafter, dwelling or residing within this Province, who shall profess Faith in God the Father, and in Jesus Christ his only Son, and in the Holy Spirit, One GOD blessed for ever more, and shall acknowledge the *Holy Scriptures* of the *Old and New Testament* to be given by Divine Inspiration; and when lawfully required, shall profess and declare that they will live peaceably under the civil Govern-

To whom allowed.

Government, Shall in any Case be molested or prejudiced for his or her *conscientious* Perswasion, nor shall he or she be at any Time compelled to frequent or maintain any religious Worship, Place or Ministry whatsoever, contrary to his or her Mind, but shall freely and fully enjoy his or her *Christian Liberty* in all Respects, without Molestation or Interruption.

Chap. 108. *An ACT against Murther and Man-Slaughter.*
Altered and Supplied by the *Act for the Advancement of Justice*, passed the 4. *Georgii*.

Chap. 109. *An ACT against Burglary.* Supplied by 4. *Georgii*.

Chap. 110. *An ACT against Robbing and Stealing.* Supplied by 4. *Georgii*.

CHAP. CXI.

An ACT to restrain People from Labour on the First Day of the Week.

TO the End that all People within this Province may with the greater Freedom devote them selves to religious and pious Exercises, *Be it Enacted*, &c. That according to the Example of the Primitive Christians, and for the Ease of the Creation, every First Day of the Week, commonly called *Sunday*, all People shall abstain from Toil and Labour, That whether Masters, Parents, Children, Servants or others, they may the better dispose themselves to read and hear the Holy Scriptures of Truth at Home, and frequent such Meetings of religious Worship abroad, as may best suit their respective Perswasions. And that no Tradesman, Artificer, Work-man, Labourer or other Person whatsoever, shall do or exercise any worldly Business or Work of their ordinary Callings, on the First Day, or any Part thereof (Works of Necessity and Charity only excepted) upon Pain that every Person so offending shall for every Offence Forfeit the Sum of *Twenty Shillings* to the Use of the Poor of the Place where the Offence was committed, being thereof convicted before any Justice, either upon his View, Confession of the Party or Proof of one or more Witnesses. And the said Justice shall give Warrant, under his Hand and Seal, to the next Constable where such Offence shall be committed, to levy the said Forfeiture or Penalty, by Distress and Sale of the Offender's Goods and Chattels, rendring to the said Offender the Over-plus of the Money raised thereby.

No Person to work on the first Day of the Week.

Penalty.

Except.

Provided always, That nothing in this Act contained shall extend to prohibit the dressing of Victuals in Families, Cooks-Shops or Victualing-Houses, or to Water-men landing their Passengers on the First Day of the Week, nor to Butchers their killing and selling of Meat, or Fisher-men from selling Fish on the First Day of the Week in the Fourth, Fifth and Sixth Months, called *June, July and August*; nor to the crying of Milk before Nine of the Clock in the Morning, or after Five in the After-noon. *Provided also*, That no Person shall be impeached, presented or molested for any Offence before-mentioned in this Act, unless he or they be prosecuted for the same within Ten Days after the Offence committed.

Writ &c. served.

And be it further Enacted by the Authority aforesaid, That no Person or Persons upon the First Day of the Week, shall serve or cause to be served or executed any Writ, Precept, Warrant, Order, Judgement or Decree (except in Case of Treason, Felony or Breach of the Peace) but that the serving of any such Writ, Precept, Order, Judgment or Decree shall be void to all Intents and Purposes whatsoever; and the Person or Persons so serving or executing the same, shall be as liable to the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if he or they had done the same without any Writ, Precept, Warrant, Order, Judgment or Decree at all.

*15. 6d Forfeiture
for sitting in Taverns
on Sunday and Con-
stables to search, &c.*

And be it further Enacted by the Authority aforesaid, That all Persons who are found Drinking and Tippling in Ale-Houses, Taverns or other publick House or Place on the First Day of the Week, commonly called *Sunday*, or any Part thereof, shall for every Offence forfeit and pay *One Shilling and Six Pence* to any Constable that shall Demand the same, to the Use of the Poor: And all Constables are hereby impowered, and by Virtue of their Office, required to Search publick Houses and Places suspected to entertain such Tipplers, and them, when found, quietly to disperse; but in Case of Refusal, to bring the Persons so refusing, before the next Justice of the Peace, who may commit such Offenders to the Stocks, and bind them to their good Behaviour, as to him shall seem requisite. And the Keepers of such Ale-Houses, Taverns or other publick House or Place, as shall countenance or tolerate any such Practices, being convicted thereof by the View of a single Magistrate, his own Confession or the Proof of One or more credible Witnesses, shall for every Offence, Forfeit and pay *Ten Shillings*, to be recovered for the Uses above-said.

Provided always, That nothing in this Act be construed to prevent victualling Houses, or other publick House or Place

from

from supplying the necessary Occasions of Travellers, Inmates, Lodgers or others, on the First Day of the Week, with Victuals and Drink, in Moderation, for Refreshment only; of which necessary Occasion for Refreshment, as also Moderation, the Magistrate before whom Complaint is made, shall be Judge, any Law, Usage or Custom in this Province to the Contrary notwithstanding.

Except.

Chap. 112. *An ACT against Rape or Ravishment.* Supplied by 4. Georgii.

CHAP. CXIII.

An ACT against Incest.

FOR the preventing of incestuous Marriages within this Province, *Be it Enacted*, &c. That all Marriages hereafter made within the Degrees of Consanguinity or Affinity, according to the following Table, are hereby declared to be void, to all Intents and Purposes, and it shall be lawful for the Governour for the Time being, to grant a Divorce from the Bond of Matrimony, and the Parties shall be fined to the Value of one Third-Part of their Estates. And if any Person or Persons shall be convicted of incestuous Fornication or Adultery, he, she or they so convicted, shall suffer such Punishments as are by Law against Fornication and Adultery, and be fined to the Value of one Third Part of their Estates, to be paid to the Proprietary and Governour, for the Time being, for the Support of the Government and defraying the contingent Charges thereof.

Penalty of marrying within the Degrees following, &c.

Likewise of Incestuous Fornication &c.

The Table of Degrees of Consanguinity and Affinity, is as follows, viz.

Degrees of Consanguinity.

Degrees of Affinity.

A Man may not marry

His Mother.
His Father's Sister.
His Mother's Sister.
His Sister.
His Daughter.
The Daughter of his Son or Daughter.

A Man may not marry

His Father's Wife.
His Son's Wife.
His Son's Daughter.
His Wife's Daughter.
The Daughter of his Wife's Son or Daughter.

The

Degrees of Consanguinity.		Degrees of Affinity.	
<i>A Woman may not marry</i>	Her Father.	<i>Woman may not marry</i>	Her Mother's Husband.
	Her Father's Brother.		Her Daughter's Husband.
	Her Mother's Brother.		Her Husband's Son.
	Her Brother.		The Son of her Husband's Son or Daughter.
	Her Son.		
	The Son of her Son or Daughter.		

CHAP. CXIV.

An ACT against Adultery and Fornication.

*Adultery.
Penalty for the
First Offence.*

FOR the Preservation of Vertue, Chastity and Purity amongst the Inhabitants of this Province, and Prevention of the heinous Sins of Adultery and Fornication, *Be it Enacted*, &c. That if any Person or Persons shall commit Adultery, and be thereof legally convicted, such Person or Persons shall for the First Offence receive on his or her bare Back Twenty one Lashes well laid on at the common Whipping-Post, and suffer Imprisonment for one whole Year at hard Labour, or be fined *Fifty Pounds*, one Half to the Use of the Governour, and the other Half to the Use of the Poor, at the Election of the Party offending: And the injured Husband or Wife shall have a Bill of Divorce, from Board and Bed, granted him or her by the Governour or Lieutenant Governour, for the Time being, if required within one Year after Conviction. And if such Person or Person shall offend a second Time, and shall again be thereof convicted, such Person or Persons shall receive on his or her bare Back Twenty one Lashes at the common Whipping-Post, and be imprisoned Seven Years at hard Labour, or pay *One Hundred Pounds*, as aforesaid; and for the Third and every Offence after the same Punishment, and be branded with the Letter A.

And for the 2d.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall commit Fornication, and be thereof legally

legally convicted such Person or Persons shall receive Twenty one Lashes on his or her bare Back, well laid on at the common Whipping-Post, or otherwise shall Forfeit and pay to the Proprietary and Governour, for the Support of the Government of this Province, and defraying contingent Charges thereof the Sum of Ten Pounds, at the Election of such Person convicted, as aforesaid.

The Penalty of Forfeiture.

And be it further Enacted by the Authority aforesaid, That any single or unmarried Woman having a Child born of her Body, the same shall be sufficient Proof to convict such single or unmarried Woman of Fornication; and the Man by such Woman charged to be the Father of such Child, shall be the reputed Father; and she persisting in the said Charge in the Time of her Extremity of Labour, or afterwards in open Court, upon the Trial of such Person so charged, the same shall be given in Evidence, in Order to convict such Persons of Fornication.

And how to be convicted thereof,

And be it further Enacted by the Authority aforesaid, That if any married Woman within this Province shall be convicted of having a Child born of her Body, in the Absence of her Husband, and shall not be able by credible Evidence to prove that her Husband has co-habited or been in Company with her, or has been in some of the Queen's Colonies or Plantations on this Continent, betwixt the Eastermost Parts of New-England, and the Southermost Parts of North-Carolina, within Twelve Months before the Birth of such Child, such Woman shall be punished as an Adulteress.

A married Woman having a Child in the Absence of her Husband, &c.

To be punished, &c.

And be it further Enacted by the Authority aforesaid, That if an unmarried Woman absenting her self from the Place where she usually lived, shall come into any County within this Government, and there bare a Bastard-Child, she shall be liable to be punished in the County where the said Child is born, as she should or might have been, had the Child been there begotten. And whosoever, within this Government, shall knowingly entertain or shelter any such Woman, without giving Notice thereof to some one Justice of the Peace, within Three Days after her coming into his or her House to lodge, shall Forfeit Five Pounds for every such Offence.

A Woman bearing a Bastard Child to be punished in the Place where the Child is born.

Pen. lty for entertaining such.

Provided always, That the Judgment or Sentence against such married Woman shall not be put in Execution till after the Expiration of Twelve Months next after such her Conviction, and shall remain in Prison during that Time, unless she give Security to abide the Judgment. And in Case her Husband shall within the said Term come and declare, That he

had

had co-habited with his Wife within the said Term of Twelve Months next before the Birth of the said Child, and own and declare himself to be the Father thereof, Execution shall be stopt, and the Woman discharged.

And be it further Enacted by the Authority aforesaid, That if any single Woman, being a Servant by Indenture or Covenant, bear a Bastard-Child within the Time of her Servitude, she shall serve such further Time beyond the Term in her Indenture or Covenant mentioned, as the Justices of the Peace in their Quarter-Sessions shall think fit, as a Compensation to her Master or Mistres, for the Loss and Damage they had sustained by Reason of her bearing such Bastard, in the Time of her Servitude; Provided, it be not more than Two Years, nor less than One.

*A Servant Woman
bearing a Bastard Child
shall serve, &c.*

*The reputed Father
&c. to maintain the
child.*

And be it further Enacted by the Authority aforesaid, That every Person being legally convicted to be the reputed Father of a Bastard-Child, shall give Security to the Court, Town or Place where such Child was born, to perform such Order for the Maintenance of such Child, as the Justices of the Peace in their Session shall direct and appoint.

CHAP. CXV.

An ACT against Bigamy.

B*E it Enacted, &c.* That whosoever shall be convicted of having Two Wives or Two Husbands, at one and the same Time, shall be Whip'd on his or her bare Back Thirty Nine Lashes, and be Imprisoned during Life at hard Labour; and the Second Marriage shall be void. And if any Man or Woman, being unmarried, shall knowingly marry the Husband or Wife of another Person, such Man or Woman shall be punished, as aforesaid, and the first Wife or Husband of the Person offending against this Act, shall have a Bill of Divorce, from Board and Bed, granted by the Governour, for the Time being, against the Husband or Wife so offending, if desired within one Year after Conviction.

How punished.

Chap. 116. *An ACT against Sodomy and Buggery.* Supplied by 4. Georgii.

Chap. 117. *An ACT against Burning of Houses &c.* Supplied by 4. Georgii.

CHAP.

CHAP. CXVIII.

An ACT against Drunkenness and Drinking of Healths.

FOR the Discouragement and Punishment of Drunkenness, *Be it Enacted, &c.* That every Person disordering or abusing him or her self with excessive drinking unto Drunkenness, as also those who are Instrumental thereto, by imposing strong Liquors, with drinking Healths, or otherwise, to provoke to the same; and every Person suffering any such Excess in their Houses, being convicted thereof by one or more credible Witnesses, shall for the first Offence pay *Five Shillings*, or suffer five Days Imprisonment at hard Labour; and for the Second, and every Offence after, *Ten Shillings*, or ten Days Imprisonment, as aforesaid.

Punished by fine or Imprisonment.

Chap. 119. *An ACT against Riotous Sports, Plays and Games.* Repealed.

CHAP. CXX.

An ACT against Riots and Rioters.

BE it Enacted, &c. That if any Person, to the Number of *Three*, or more, shall meet together with Clubs, Staves, or any other hurtful Weapons, to the Terror of any the peaceable People or Inhabitants of this Province, and shall commit, or design to commit Violence or Injury upon the Person or Goods of any of the said Inhabitants, and shall be convicted thereof, such Persons shall be reputed and punished as Rioters, according to the Laws of *England*; and such act of Terror or Violence, or design of Violence, shall be deemed and accounted a *Riot*.

Punished according to the Laws of England.

Chap. 121. *An ACT for limittin the Presentments of Grand-juries.* Repealed.

Chap. 122. *An ACT for determining of Debts under Forty Shillings, Supplied.*

Chap. 123. *An ACT for further securing the Administration of the Government of this Province.* Repealed.

CHAP. CXXIV.

An ACT for the better Confirmation of the Owners of Lands, and Inhabitants of this Province, in their just Rights and Possessions.

WHEREAS the late King *Charles the Second*, by his Royal Charter to *William Penn* Proprietary and Governour of this Province, did declare, That the Laws for Regulating and Governing of Property within this Province, for Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattles, should be and Continue the same as they should be for the time being by the General course of the Law in *England*, until the said Laws should be altered by the said *William Penn*, his Heirs or Assigns, and the Freemen of the said Province, their Delegates or Deputies, or the greater part of them.

And Whereas divers Laws have been Enacted in this Province, that made all Lands and Tenements (without any regard to the Fee-simple, or other Tenures by which they were held) as liable to pay Debts as Chattles, and be taken and sold upon Executions, or by Decrees in Courts of Equity, or to be sold by such Executors as had no Power by their Testators Wills for so doing, and in certain cases to be sold by Administrators, as also to be divided, allotted and distributed amongst the Widows and Children of Intestates; In pursuance of which Laws divers Lands, Tenements and Hereditaments in this Province have been sold, delivered, assigned, allotted or distributed accordingly. Now, to the end that those Sales, Deliveries, Assignments and Allotments, or Distributions, may have effect according to the Tenour and true meaning of the said Laws, and that the Possessors and Owners of the said Lands and Hereditaments so sold, Delivered, assigned and distributed, and their Heirs and Successors may quietly have, hold and Enjoy the same.

Be it Enacted &c. That all and singular the Bargains and Sales being made, *bona fide*, and for valuable Consideration, as all Assignments, Grants and Allotments or Distributions made to any Person or Persons whatsoever, of any Lands, Tenements or Hereditaments, in this Province, according to the Tenor and Direction, or the true Intent and meaning of the said Laws in those Cases made and provided, shall be and are hereby declared to be good and effectual, and shall

All Bargains sales &c. made according to the Tenour of sundry Laws, &c. are declared good.

shall stand and be taken, deem'd and adjudged good, sure and available in Law, against all Persons whatsoever, according to the Tenor and Effect of the same Bargains, Sales, Assignments, Grants, and Allotments or Distributions; and that every Person or Persons, Bodies politick and corporate, their Heirs and Successors, and all claiming by from or under them, or any of them, for and according to their, and every of their several Estates and Interests of, in and to the said Lands, Tenements and Hereditaments, with their Appurtenances, so as aforesaid sold, delivered, assigned or allotted, shall and may quietly or peaceably have, hold and enjoy the same Lands, Tenements, Hereditaments and Premises, and every Part thereof, against all and every Person and Persons, their Heirs and Assigns, having, claiming or pretending to have any Estate, Right, Title, Interest, Claim or Demand whatsoever, of, in, or to the same: *Saving nevertheless*, to all and every Person and Persons, Bodies politick and corporate (others than to the Person or Persons for Payment of whose Debts, and Maintenance of whose Widows and Children any of the said Lands, Tenements, Hereditaments have been sold, delivered or conveyed, as aforesaid, and his and their Heirs; and others than to the Heirs at Law of the said Intestates, or any claiming under them, who shall Attempt to avoid or annul the said Divisions, Allotments or Distributions which have been made of the said Intestates Lands and Hereditaments amongst their Widows and Children by Virtue or in Pursuance of the said Laws) all such Actions, Estates, Possessions, Rights, Titles, Interests, Rents, Profits, and Demands, as they or any of them have, shall, may or ought to have of, in or to all or any the said Lands, Tenements and Hereditaments, or any Part thereof, in such manner and form as if this Act had never been made: *So that* they do pursue their said Rights, Titles, Claims and Interest by Way of Action or lawful Entry, before the First day of *October*, which will be in the Year of our Lord One Thousand Seven Hundred and Ten.

And every Person claiming by the said Laws, &c. shall quietly Enjoy, &c.

Saving nevertheless to all Persons, &c.

Provided always, That all and every the Widows and Children of Intestates, to or amongst whom any Lands, Tenements and Hereditaments have been allotted or distributed by Virtue of the said Laws, and all and every Person and Persons to whom any Parts or Purparts of Lands, Tenements or Hereditaments have, as aforesaid, been, or hereafter shall be sold or delivered upon Executions, shall hold and enjoy their said respective Parts, Purparts or Allotments, in Severality, or as Tenants in Common, and not as Joint-Tenants.

All Lands, &c. which have been distributed according to these Laws shall be held by the parties as Tenants in Common.

And be it further Enacted by the Authority aforesaid, That no Deed, Grant, Conveyance or Assurance heretofore made of
F 2 any

No Deed to be a
voided for want of
form, &c.

Or Livery and
Seisin, &c.

But are declared
to be good notwith-
standing.

Saving to all per-
sons such Rights &c.

any Lands, Tenements or Hereditaments whatsoever, shall be judged or taken to be defective, avoided or prejudiced, for or by Reason of any Want of Form, or formal or orderly Parts of a Deed, as, the Premises, Habendum, Tenendum, Reddendum, the Clause of Warranty, the Conclusion, In Witness whereof and the Date, or for Mis-naming, Mis-recital or Non-recital of any of the said Lands or Hereditaments, or for Mis-recital or Non-recital or not mentioning, or not true mentioning of the Grantor's Estate, of, in or to the Premises, or for Want of Livery and Seizin or Attournment, or Proofs of the Consideration Money actually paid, or for not producing in Court upon Trial any of the Deeds or Grants recited in the said Conveyances, or for not being Recorded in the Rolls Office; But that all and every the said Deeds, Grants and Conveyances, Releases, and Assurances shall be and are hereby declared and enacted to be good and available in Law, and shall be expounded as the Law of this Province was when they were made, and shall conclude all Strangers, as well as Privies to the same; Saving to every Person and Persons, other than to the said Grantors, their Heirs and Successors, all such Rights, Titles, Estates, Claims, and Interests as they or any of them had, or ought to have, of, in or to the said Lands, Tenements and Hereditaments, or any Part thereof, at the Time when such Deeds or Conveyances were sealed and delivered, so as they do pursue their said Rights, Titles, Claims or Interests by Way of Action or lawful Entry before the first Day of October, which will be in the Year of our Lord One Thousand Seven Hundred and Ten.

CHAP. CXXV.

An ACT concerning the Probates of Written and Nuncupative Wills, and for confirming Devises of Lands.

Lands may be de-
vised by Will proved
in this Province.

Or proved in the
Chancery in Eng-
land, &c.

BE it Enacted &c. That all Wills in Writing, wherein or whereby any Lands, Tenements or Hereditaments within this Province have been, are or shall be devised, being proved by two or more Credible Witnesses, upon their solemn Affirmation, or by other legal Proof, in this Province, or being proved in the Chancery in England, and the Bill, Answer and Depositions transmitted hither, under the Seal of that Court, or being proved in the *Austings* or Mayor's Court in London, or in some Mannor-Court, or before such as have or shall have Power in England, or elsewhere, to take Probates of Wills and Grant Letters of Administration, and a Copy of

of such Will, with the Probate thereof annexed or endorsed, being transmitted hither, under the publick or common Seal of the Courts or Offices where the same have been or shall be taken or granted, and recorded or entered in the Register-General's Office in this Province; shall be good and available in Law for the granting, conveying and assuring of the Lands or Hereditaments thereby given or devised, as well as of Goods and Chattles thereby bequeathed; and that the Copies of all Wills and Probates, under the publick Seals of the Courts or Offices where the same have been or shall be taken or granted respectively, (other than Copies or Probates of such Wills as shall appear to be annulled, disproved or revoked) shall be judged and deemed, and are hereby declared and enacted to be Matter of Record, and shall be good Evidence to prove the Gift or Devise thereby made; and that all such Probates, as well as all Letters of Administration granted out of this Province, being produced here under the Seals of the Courts or Offices granting the same, shall be as Sufficient to enable the Executors or Administrators, by themselves or Attorneys, to bring their Actions in any Court within this Province, as if the same Probates or Letters Testamentary or Administrations, were granted here, and produced under the Seal of the Register-General's Office of this Province.

And the Copy and probate transmitted hither, &c.

And the Copies of all Wills &c. under the Seals of &c. where the same was taken are to be taken and deemed matter of Record.

Provided always, That if any of the Wills (whereof Copies, or Probates shall be so as aforesaid produced and given in Evidence shall within Seven Years after the Testator's Death, appear to be disproved or annulled before any Judge or Officer, having Conscience thereof, or shall happen to be revoked or altered by the Testator, either by a latter Will or Codicil in Writing, duly proved, as aforesaid; that then and in every such Case, it shall and may be lawful for the Party aggrieved, or his or their Heirs, Executors or Assigns to have their Action for what shall be taken or detained from them by Occasion of such Wills, or have their Writ or Writs of Error for reversing the judicial Proceedings thereupon, as the Case shall require, any Thing herein contained to the Contrary notwithstanding.

If any Will shall happen to be revoked &c.

The Party aggrieved &c. may have his Action, &c.

And be it further Enacted by the Authority aforesaid, That from henceforth no Nuncupative Will be good where the Estate thereby bequeathed shall exceed the Value of *Thirty Pounds*, that is not proved by Two or more Witnesses, who were present at the making thereof, nor unless it be proved that the Testator at the Time of pronouncing the same, did bid the Persons present, or some of them, bear Witness, That such was his Will, or to that Effect, nor unless such Nuncupative Will be made in the Time of the last Sickness of the Deceased

*Sundry Cases where
a Nuncupative Will
is, and is not Good*

Deceased, and in the House of his or their Habitation or Dwelling, or where he or she hath been Resident for the Space of Ten Days, or more, next before the making of such Will, except where such Person was Surprized or taken Sick being from his own Home, dyed before he returned to the Place of his or her Dwelling.

And be it further Enacted by the Authority aforesaid. That after Six Months past after speaking of the pretended Testamentary Words, no Testimony shall be received to prove any Will Nuncupative, except the said Testimony, or the Substance thereof, were committed to Writing within Six Days after the making of the said Will.

*Nuncupative Will
not to pass the Seal
&c within 4 Days.
Nor Except.*

And be it Enacted by the Authority aforesaid, That no Letters Testamentary or Probate of any Nuncupative Will shall pass the Seal of the Register-General's Office, in the respective Counties of this Province till Fourteen Days, at the least, after the Death of the Testator be fully expired; nor shall any Nuncupative Will be at any Time received to be proved unless Process be first issued out to call in the Widow or next of Kindred to the Deceased, to the End they may contest the same if they please.

*No written Will
to be altered &c.
by Words only, Except
&c.*

And be it further Enacted by the Authority aforesaid, That no Will in Writing concerning any Goods or Chattles, or personal Estate, shall be repealed, nor shall any Clause, Devise or Bequest therein be altered or changed by any Words or Will by Word of Mouth only, except the same be in the Life of the Testator committed to Writing, and after the Writing thereof, read unto the Testator, and allowed by him, and proved to be so done by Two or more Witnesses.

Provided always, That notwithstanding this Act, any Mariner or Person being at Sea, or Souldier being in Actual Military Service, may dispose of his Moveables, Wages and personal Estate, as he or they might have done before the making of this Act.

*A Register General
Constituted for to keep
his Office in Philadelphia,
and shall appoint a Deputy in
each County, &c.*

And be it further Enacted by the Authority aforesaid, That there shall be an Officer, called *Register-General*, to be commissioned by the Governour, from Time to Time, for the Probate of Wills, and granting Letters of Administration in this Province; which Register-General shall keep his Office at *Philadelphia*, and shall, from Time to Time, constitute a sufficient Deputy to officiate for him in each of the other Counties of this Province, who being by him deputed, shall be and are by this Act impowered to take Probates of Wills, and grant Letters of Administration in the respective Counties, as fully

fully and amply as the Register-General himself ever could, or can do, according to the Powers granted by the Royal Charter of the late King *Charles* the Second; which Deputies shall have and use a common Seal, to be provided at the Charge of the respective Counties where they serve, with the like Inscriptions as is or shall be upon the Receiver-General's Office at *Philadelphia*. *Provided*, That no Person who shall prove any Will, or take Letters of Administration in any one of the Counties of this Province, shall be obliged to prove the same Will, or take Letters of Administration in any other of the said Counties, wherever such Testator's or Intestate's Estates may lie or be. But before any Register-General, or his Deputies shall enter upon their respective Offices, they shall be duly qualified either before the Governour, or the Orphan's-Court of the County where they respectively officiate; and every Register-General, and every of his Deputies, shall find one or more sufficient Sureties with himself, to become bound to the Governour, for the Time being, in a Bond of *Two Hundred Pounds*, for the true and faithful Execution of his Office, and for the delivering up the Records, and other Writings belonging to the said Office, by him, his Heirs, Executors and Administrators, to his Successor in the said Office, whole and undivided, which said Bond shall be recorded in the Orphan's-Court, and be kept by one of the Justices of the said Court, as the Majority of the Justices, for the Time being, shall Order; to be made Use of for making Satisfaction to the Parties that shall be damnified or agrieved, as is, or shall be directed by the Laws of this Province in such Cases. And if the Register-General, or his Deputies, or any of them shall officiate in the said Office before he hath given such Security, or if the Register-General, for the Time being, shall refuse or neglect to constitute a Deputy-Register in each County, according to the Direction of this Act, then and in every such Case he or they so offending shall Forfeit the Sum of *Two Hundred Pounds*, to be recovered in any Court of Record in this Province and the one Half thereof shall go to the Governour, for Support of Government, and the other Half to him or them that shall sue for the same.

No Person obliged to prove Wills, or take Letters of Administration in more than one County.

The Register-General to be qualified how and when and shall give security.

For Delivering up Records, &c.

If the Register-General or his Deputies shall Act without giving security or he refuse to constitute Deputies he or they shall forfeit 200 l.

CHAP. CXXVI.

An ACT directing the Order of Payment of Debts of Persons deceased.

FOR the preventing Disputes and Conteſts at Law, or otherways concerning the Order of Payment of Debts of Person deceased within this Province, *Be it Enacted*, &c. That all Debts

*The Manner and
Order for the same.*

Debts owing by any Person within this Province, at the Time of his or her Decease, shall be paid by his or her Executors or Administrators (so far as they have Assets) in Manner and Order following, That is to say, *First*, Physick and Funeral Expences: *Secondly*, Debts and Duties to the Queen: *Thirdly*, Debts due to the Proprietary and Governour: *Fourthly*, Judgments: *Fifthly*, Debts due by Recognizances: *Sixthly*, Rents: *Seventhly*, Obligations, Bills penal, and protested Bills of Exchange: *Eighthly*, Single Bills: *Ninthly*, Servants and Workmen's Wages: *Tenthly*, Merchants and Traders Book-Debts, and Promises by Word, Arrears of Accounts, and such like. Which said Payments shall be good and available in Law against all Persons whatsoever.

*Twelve Months
after the Parties de-
cease no priority of
Debts, &c.*

Provided always, And be it further Enacted by the Authority aforesaid, That nothing in this Act contained shall prevent or damnifie any Executors or Administrators for discharging the Decedents just Debts, as the same shall come to his, her or their Knowledge, without Regard to the Priority of the same, in Payment after the Expiration of Twelve Months from the Time of the said Decedents decease.

CHAP. CXXVII.

An ACT for the better Settling of Intestates Estates.

*Every Admini-
strator to give Bond,
&c.*

BE it Enacted &c. That the Register-General and his Deputies, having Power to grant Letters of Administration of the Goods and Chattles of Persons dying Intestate, within this Province, shall, upon their granting such Letters of Administration, take sufficient Bonds, with two or more able Sureties (Respect being had to the Value of the Estate) in the Name of the Register-General, with the Condition in Manner and Form following, *mutatis mutandis, viz.*

*With Condition
&c.*

THE Condition of this Obligation is such, That if the within Bounden A. B. Administrator of all and singular the Goods, Chattles and Credits of C. D. deceased, do make or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattles and Credits of the said deceased, which have or shall come to the Hands, Possession or Knowledge of him the said A. B. or unto the Hands and Possession of any other Person or Persons for him, and the same, so made, do exhibit, or cause to be exhibited into the Register's Office in the County of----- at or before the----- Day of----- next ensuing; and the same Goods, Chattels and Credits of the said deceased, at the Time of his Death,

or.

or which at any Time after shall come to the Hands or Possession of the said A. B. or into the Hands and Possession of any other Person or Persons for him, do weell and truly administer, according to Law; and further, do make or cause to be made a true and just Account of his said Administration, at or before the - - - Day of - - -. And all the Rest and Residue of the said Goods, Chattels and Credits which shall be found remaining upon the said Administrators Account (the same being first examined and allowed of by the Orphan's-Court of the County where the said Administration is granted) shall deliver and pay unto such Person or Persons respectively, as the said Orphan's-Court, in the respective County, by their Decree or Sentence, pursuant to the true Intent and Meaning of this Act, shall limit and appoint, and if it shall hereafter appear that any last Will and Testament was made by the said Deceased, and the Executor or Executors therein named, do exhibit the same into the Register's Office, making Request to have it allowed and approved accordingly: If the said A. B. within bounded, being thereunto required, do render and deliver the said Letters of Administration (approbation of such Testament being first had and made in the said Register's Office) Then this Obligation to be void and of none effect, or else to remain in full force and Virtue.

Which Bonds are hereby declared and enacted to be good, to all Intents and Purposes, and pleadable in any Courts of Justice; and also, that the said Orphan's-Court, in the respective Counties, shall and may, and are hereby enabled to proceed and call such Administrators to Account for and touching the Goods of any Person dying Intestate; and upon hearing, and due Consideration thereof, to Order and make just and equal Distribution of what remaineth clear (after all Debts, Funeral and just Expences of every Sort, first allowed and deducted) amongst the Wife and Children, and Children's Children (if any such be) or otherwise to the next of Kindred to the dead Person, in equal Degree, or legally representing their Stocks to every one his Right, according to the Laws in such Cases, and to the Rules and Limitations hereafter set down: And the same Distributions to Decree and Settle, and to compel such Administrators to observe and pay the same, by the due Course of the Laws of this Province: Saving to every One (supposing him or themselves aggrieved) their Right of Appeal to the Provincial or Supream Court of this Province.

*And render Account
to the Orphan's Court.*

*Who shall make
Distribution of the
Estate after Debts,
&c. are discharged
in this Manner.*

*Saving to every one
their Right of Appeal.*

Provided always, That the said Orphan's Court in each County, which is by this Act enabled to make Distribution of the Surplusage of the Estate of any Person dying Intestate, shall Distribute the whole Surplusage of such Estate or Estates in Manner and Form following, (that is to say,) One Third-

*The Manner and
Form how Distributi-
on shall be made.*

Part of the said Surplusage, to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying Intestate, (allowing the Eldest Son *Two Shares*;) And to such Persons as shall legally represent such Children, in Case any of the said Children be then dead, (other than such Child or Children who shall have any Estate by the Settlement of the Intestate; or shall be advanced by him in his Life-Time by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children) to whom such Distribution is to be made. And in Case any Child, who shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Life-Time by Portion, not equal to the Share which will be due to the other Children by such Distribution, as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life-Time of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated, the Eldest Son being allowed *Two Shares*, as aforesaid. And in Case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the Intestate, and the Residue of the said Estate to be distributed equally to every of the next Kindred of the Intestate, who are in equal Degree to those who legally represent them. *Provided*, that there be no Representatives admitted amongst Collaterals, after Brothers and Sisters Children. And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children, the Eldest Son to have *Two Shares*, as aforesaid. And in Case there be no Child, then to the next of Kindred, in equal Degree of or unto the Intestate, and their legal Representatives, as aforesaid, and in no other Manner whatsoever.

Provided also, and to the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any Person dying Intestate be made till after one Year be fully expired, after the Intestates Death. And that such, and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the said Orphan's Court, that if any Debt or Debts truly owing by the Intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator, his or her rateable Part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator, by Reason of such Debts, out of the Part or Share, so as aforesaid

*No Distribution to
be made till one Year
after the Death of
Intestate, and then
to give Bond to refund
&c.*

aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts so discovered, after the Distribution made as aforesaid.

Provided always, And be it further Enacted by the Authority aforesaid, That in all Cases where the Register-General hath used heretofore to grant Administration, with a Testament annexed, he shall continue so to do, and the Will of the Deceased, in such Testament expressed, shall be performed and observed in such Manner as it should have been if this Act had never been made.

Administration to be granted, with the Testament annexed as usual.

Provided also, That all such of the Intestate's Relations, and Persons concerned, who shall not lay legal Claim to their respective Shares within Seven Years after the Decease of the Intestate, shall be debarred from the same forever.

No Claim to be good after 7 Years.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall dye Intestate, being Owners of Lands or Tenements within this Province, at the Time of their Death, and leave lawful Issue to survive them, but not a Sufficient personal Estate to pay their just Debts, and maintain their Children, in such Case it shall be lawful for the Administrator or Administrators of such Decedents, to sell and convey such Part or Parts of the said Lands or Tenements, for Defraying their just Debts, Maintenance of their Children and for putting them Apprentices, and teaching them to Read and Write, and for improvement of the Residue of the Estate (if any be) to their Advantage, as the Orphan's-Court of the County where such Estate lies, shall think fit to allow, order and direct, from Time to Time.

Lands, &c. of Intestate's may be sold for Payment of Debts &c. As the Orphan's Court shall direct.

Provided always, That no Lands or Tenements, contained in any Marriage Settlement, shall by Virtue of this Act be sold or disposed, Contrary to the Form and Effect of such Settlement, nor shall any Orphan's-Court allow or Order any Intestate's Lands or Tenements to be sold before the Administrator requesting the same, doth exhibit one or more true and perfect Inventories and conscionable Appraisements of all the Intestate's personal Estate, whatsoever, as also a just and true Account, upon his or her solemn Affirmation, of all the Intestate's Debts which shall be then come to his or her Knowledge; and if thereupon it shall appear to the Court, that the Intestate's personal Estate will not be sufficient to pay the Debts, and maintain the Children, until the Eldest of them attains to the age of Twenty one Years, or to put them out to be Apprentices, and teach them to Read and Write, Then, and in every such Case and not otherwise, the

Except Marriage Settlements.

But not till the Administrator exhibits an Inventory, &c.

And then how the Orphan's Court shall proceed & Order &c.

Court shall allow such Administrator to make publick Sale of so much of the said Lands, as the Court, upon the best Computation they can make of the Value thereof, shall adjudge necessary, for the Purposes aforesaid, reserving the Mansion-House and most profitable Part of the Estate, till the Last. But before any such Sale be made, the Court shall Order for many Writings to be made by the Clark, upon Parchment or good Paper, as the Court shall think fit, to signify and give Notice of such Sales, and of the Day and Hour when, and the Place where the same will be, and what Lands are to be so sold, and where they lie; which Notice shall be delivered to the Sheriff or Constables, in Order to be fix'd in the most publick Places of the County or City, at least Ten Days before the Sale; and the Sheriffs or Constables are hereby required to make Publication accordingly; and the Administrator that makes such Sale, shall bring his or her Proceedings therein to the next Orphans-Court, after the Sale made. And if it shall happen that any Lands be sold by Virtue of this Act, for more than the Courts Computation of the Value thereof, then the Administrator shall be accountable for the same, as by this Act is required for Intestate's personal Estates.

And how the Administrator.

And the Surplusage of Lands &c. not sold &c. to be divided amongst &c.

In what Method &c. to whom.

And be it further Enacted by the Authority aforesaid, That the Surplusage or remaining Part of the Intestates Lands, Tenements and Hereditaments not sold or ordered to be sold by Virtue of this Act, and not otherwise limited by Marriage-Settlement, shall be divided between the Intestate's Widow and Children, or the Survivors of them, who shall equally inherit, and make Partition as Tennants in Common may or can do. But if the Intestate leaves a Widow and no Child, Then such Widow or Relict shall inherit one Moiety, or Half Part of the said Lands and Tenements, and the other Moiety shall descend and come to the Intestate's next Heir, according to the Course of the Common-Law. But if the Intestate leaves no Widow nor Child living at the Time of his Death, or if the Children all dye in their Minority, without Issue, then the said Lands and Tenements shall descend and come to the Intestates Heir at Law, according to the Course aforesaid. But if any of the Intestate's Children dying before the Intestate, shall leave lawful Issue, such Issue shall equally Inherit; the Intestate's Lands and Tenements, with their Uncles or Aunts, and make Partition as aforesaid.

Provided always, That no Widow or Child of any Intestate having so much Land by Settlement from the said Intestate by the said Courts Computation of the Value thereof shall be equal to the Share or Purpart of the Intestate's Lands, which by this Act are to be allotted to any of the other

The Widow or Child of such Intestate's being provided for &c.

other Children, in Manner aforefaid, Then fuch Widow or Child, fo provided for, fhall have no Share of the faid Surplusage of the Inteftates other Lands. But if the Value of the Lands, fo fettled by the Inteftate, fhall not, by the Computation aforefaid, amount to an equal Share then the faid Court, fhall allot to the Party fo much of the faid other Land as fhall make the Shares or Eftate of the Widow, and all the faid Children equal, as near as can be eftimated, the Eldeft Son having a double Share, as aforefaid.

to have no Share of the Surplusage, &c.

Provided alfo, That nothing in this Aët contained, fhall give any Widow a Right or Claim to any Part of fuch Lands or Tenements for her Dower or Thirds, as fhall yeild yearly Rents or Profits, whereof her Husband dyed feized, for any longer Tmie than the Term of her natural Life, which Dower ſhe fhall hold as Tenants in Dower do in *England*; and the faid profitable Lands or Tenements, and the unimproved or rough Land next adjacent thereto fhall not be fold but for Payment of the Inteftate's Debts.

The Widow to have no Claim to Lands but durante Vita.

Provided alfo, That no Partition of the Lands or Tenements which are to be divided by this Aët, fhall be made by or for the Relict or younger Children of the Inteftate, if the Heir at Law will within the Space of Twelve Months, pay fo much Money, or other Effects, to the Perfon or Perfons demanding fuch Partition, as their refpective Shares or Purparts fhall amount unto, by the Valuation of Four or more Perfons indifferently chofen by both Parties, or by an Inqueft appointed by the Orphan's-Court, to value the fame, where the Parties cannot other wife agree. And the Perfon or Perfons (whether Minors or others) to whom or for whose Ufe Payment or Satisfaction fhall be made for their refpective Purparts, by the Heir at Law, in Manner aforefaid, fhall be forever debarred of all the Right, Title and Demand which he or they can or may have of, in or to fuch Share or Purparts, by Virtue of this Aët, but the fame fhall be held and enjoyed by the Heir at Law, as freely and fully as the Inteftate held the fame.

The Partition to be made of Lands if the Heir at Law will pay the refpective Shares.

And then the Heir fhall enjoy the fame.

And in Cafe fuch Inteftate fhall have no known Kindred, then all his Lands, Tenements and Hereditaments fhall efcheat or go to the immediate Landlord of whom fuch Lands are held, his Heirs and Affigns; and if immediately held of the Proprietary, then to the Proprietary, his Heirs and Affigns, and all the Goods, Chattles and perſonal Eftate whatſoever, of fuch Perſon dying Inteftate, and without Kindred, as aforeſaid, ſhall go to the Proprietary and Governour, his Executors or Administrators. But if any of the faid Inteftates Relations

And if the Inteftate have no kindred his Lands &c. ſhall efcheat to the Landlord, &c. and his Goods, &c. to the Proprietary, &c.

ſhall

shall appear and make their Claims to such Intestate's personal Estate within Seven Years after the Decease of the Intestate, they shall be restored thereunto.

But if the Heir at Law to such Lands shall appear in 21 Years he may recover the same.

And if the lawful Heir to any such Lands or Tenements shall at any Time within Twenty one Years, after the Intestate's Decease, appear, he may traverse the Inquisition, or Office found for the Land so escheated, and recover the same, paying the Lord or Person in Possession for the Improvements made thereupon, according to the Valuation of Twelve Men,

Chap. 128. *An ACT for the Acknowledging and recording of Deeds.* Repealed.

CHAP. CXXIX.

An ACT to ascertain the Number of Members of Assembly, and to regulate the Elections.

The Freemen and Inhabitants to meet on the first Day of October yearly, to choose Representatives viz.

BE it Enacted, &c. That for the Well-governing of this Province, there shall be an Assembly yearly chosen, and for that End it shall and may be lawful to and for the Free-men and Inhabitants of the City of *Philadelphia*, as also for the Free-men and Inhabitants of the respective Counties of this Province, without any Writ or Summons, to meet on the First Day of *October* yearly, forever, at the most usual Place of Elections in the said respective Counties, (that is to say) For the City and County of *Philadelphia*, in or near the present Market-Place in the said City, and for the County of *Bucks*, upon the Court-House Ground, in the Town of *Bristol*; and for the County of *Chester*, at or near the Court-House in the Town of *Chester*, and then and there choose their Representatives or Delegates, to serve them in Assembly, which shall consist of not less than Two Persons for the said City of *Philadelphia*, and Eight Persons for each County of this Province; or a greater Number, as the Governour and Assembly shall at any Time hereafter agree.

Two for Philadelphia, and Eight for each County.

Who shall sit in Assembly on the 14th Day of October, at Philadelphia.

And that the Members, so to be, shall meet and sit in Assembly on the Fourteenth Day of *October*, yearly, forever, at the City of *Philadelphia*, unless the Governour and Council, for the Time being, shall see cause to appoint another Place, within this Province, to sit at. But when any of the said Days of

of Elections or Meeting of Assembly shall happen to fall on the first Day of the Week, called Sunday, then such Election and Meeting shall be the next Day following.

Except.

Provided, always, That no Inhabitants of this Province shall have Right of electing, or being elected, as aforesaid, unless he or they be natural born Subjects of *England*, or be naturalized in *England*, or in this Government, and unless such Person or Persons be at the Age of Twenty One Years, or upwards, and be a Free-holder or Free-holders in this Province, and have Fifty Acres of Land, or more, well seated, and Twelve Acres thereof, or more, cleared and improved, or be otherwise worth *Fifty Pounds* lawful Money of this Province, clear Estate, and have been Resident therein for the Space of *Two Years* before such Election.

Who is qualified to elect or be elected in the Counties.

And to the End that Elections, upon which the Good of the Government so much depends, may not be corruptly managed or obtained, *Be it Enacted by the Authority aforesaid,* That all the Elections of the said Representatives shall be free and voluntary, by Persons, having Estates, and being qualified, as aforesaid, in the respective County, or Counties for which, he or they shall elect, or be elected, *Provided,* that the Electors and Elected for the said City of *Philadelphia*, shall have a Freehold Estate, or be worth *Fifty Pounds* clear, personal Estate within the same City, and be otherwise qualified, as aforesaid. And that the Elector, who is not so qualified, as aforesaid, or that shall receive any Reward or Gift for his Vote, shall Forfeit his Right of electing for that Year, and shall pay the Sum of *Five Pounds*, One Half thereof to the Governour, and the other Half to him or them that shall sue for the same in any Court of Record within this Province.

And who in the City of Philadelphia.

Penalty.

And that he or they who shall give, offer or Promise any Reward to be elected, or shall offer to serve for nothing, or less Allowance than the Law prescribes, shall Forfeit *Five Pounds*, the one Half thereof to the Governour, and the other to him or them that will sue for the same, in Manner aforesaid, and be incapable to serve for that Year.

Buying of Votes or offering to serve for nothing, &c. is 5*l.* Penalty.

And be it further Enacted by the Authority aforesaid, That every Sheriff, or in his Absence, his under Sheriff, or such as he shall depute, or for Want of such Deputation, the Coroner, or such as he shall appoint, or for Want of such Appointment, any Two of the Free-holders, who by the major Part of the Electors then and there present, shall be nominated and appointed Judges of the said Elections, in the Absence of the Sheriff or Coroner, shall attend at the said Elections, and shall appoint

The Method and Manner how the said Elections are to be made and carried on.

*Vide, 13 of King
George.*

*The Qualification
of the Clerks who
take the Poll.*

such Number of Clerks for taking the Poll or Votes of the Electors, as the Inspectors, hereafter mentioned, shall appoint, who shall all take their said Poll or Names of the Electors in the Presence of the said Sheriff, Coroner or other Judges, so nominated as aforesaid, or such as any of them shall depute or appoint, and shall make as many distinct Columns on fair Paper, as there shall be Candidates voted for, as is herein after express'd, but before they begin, every Clerk, so appointed, shall by the said Sheriff or Coroner, or by some Magistrate then present, be attested or charged upon his solemn Affirmation, *Truly and indifferently, to take the said Poll, and set down the Names of each Free-holder, and Elector, and the Place of his Free-hold or Estate, and to Poll no Elector, who is not Attested, if so required by the Inspectors of such Clerks.* Which Inspectors are to be nominated by the major Part of the Electors, as aforesaid.

*Vide, County-
Law Act of 11th of
King George.*

And every Person coming to elect Members for the City of *Philadelphia*, and also every Person coming to elect Members for the said respective Counties, shall deliver in Writing the Names of those Persons for whom they Vote, to the Sheriff, or some other of the said Persons, so as aforesaid appointed Judges of the said Elections, who shall open the Paper, if the Elector be illiterate, and read the Persons Names contained therein, and ask such Electors, whether these are the Persons for whom he Votes? Which Paper, upon his Affirmative, shall be received and put with the rest of the Electors Papers in a Box, which every Sheriff is hereby required to provide for that Purpose.

But if the Elector brings no such Paper or Ticket, or if the illiterate Elector will not Vote for the Persons contained in his Paper, then and in all such Cases the Elector shall verbally give in the Names of the Persons he mostly desires should be chosen, which Names shall be entered down by the said Clerks.

*The Qualification
of the Electors.*

Provided always, That every Elector, before he be admitted to Poll (if required by any of the said Inspectors) shall upon his solemn Affirmation declare, That he is Twenty one Years of Age, and a Free-holder for the County of----- and has Fifty Acres of Land, or more, well Seated, and Twelve Acres thereof or more; cleared: Or, That he is otherways worth Fifty Pounds, Money of this Province, clear Estate, and hath been Resident therein for the Space of Two Years, and that he has not been before Polled at that Election.

*Penalty of making
a false Affirmation.*

And in Case any Person taking the said Affirmation, shall be lawfully convicted of wilfully and corruptly making a false Affirmation therein, or if any shall suborn any Person, to take such

such false Affirmation, he or they shall incur the same Penalties and Forfeiture as by the Laws and Statutes of *England* are provided against Persons convicted of wilful and corrupt Perjury, and Subornation of Perjury respectively.

And that the said Poll shall not be delayed, nor the Election adjourned to another Place or Part of the County, other than where the same begins, but shall continue from Day to Day, till the Free-holders and Electors, then and there present, shall be polled, and no longer. And when all the Electors, then appearing, shall have delivered in all their Papers or Names, the said Box shall be opened by the Sheriff, or some other of the Persons appointed by this Act to officiate as Judges of the said Elections, and the said Papers taken out in the Presence of the said Inspectors, and delivered, one by one, to the said Clerk or Clerks, to enter the Names therein exprest, in fair Columns, or otherwise, so that they shall cast up how many Times each Persons Name is repeated in the same, and set it down, and shall then pronounce publicly, to the People, Him whose Name is ofteneft mentioned in the said Papers, to be first elected, and so the next highest Number successively, until the whole Eight Persons for the County be pronounced, elected, by Majority, as aforesaid. And the same Method shall be used concerning the Two Members to be elected for the City of *Philadelphia*.

The Poll not to be delayed or adjourned.

And when the Poll is over how to be cast up, &c.

But if when the said Papers are opened, there appears more Names in any one of them, or more than one Paper deceitfully folded together, containing more Names than by this Act is allowed any one Elector to Vote for, such Papers shall be rejected, and not accounted amongst the Votes.

Any Deceit in a Ticket rejects the same.

And after the said Representatives are so chosen, as aforesaid, their Names (be they present or absent) shall be written in a Pair of Indentures, Sealed between the said Sheriffs, or other Persons officiating as Judges of the said Elections, and Six or more, of the said Choosers.

The Names of the Representatives to be written in Indentures &c.

And every Sheriff, or other Person officiating as Judges of the said Elections, shall on the first Day of the Meeting of every Assembly, in Person, or by Deputy, present one Part of the said Indentures to the Governour, for the Time being, and the other Part thereof to the House of Representatives; which said Indentures shall be deemed and taken to be the Sheriff's Return of the Representatives or Delegates of the Free-men of this Province, to serve and act in the Legislative or General Assemblies of the same Province, from Time to Time. And the Representatives, so as aforesaid chosen, shall yield their Attendance accordingly.

One of which Indentures to be delivered to the Governour and the other to the House.

H

And

Any Person so chosen, &c. Refusing to serve forfeits 10l.

And if any Person or Persons so chosen and returned to serve, as aforesaid, shall be absent from the Service for which he or they shall be so elected, he or they shall Forfeit any Sum not exceeding *Ten Pounds* current Money, The one Half thereof to the Governour, and the other Half to him or them that shall sue for the same, in Manner aforesaid, unless his or their Excuse for such Absence shall be allowed of by the Assembly.

And another to be chosen in his room, or dying &c.

And if any Person so chosen and returned, as aforesaid, shall happen to dye or be wilfully absent, or by Vote of the House be disabled to sit or serve in Assembly, then and in every such Case the Secretary, for the Time being, shall by the Speaker's Order issue out Writs to the respective Sheriffs of the County where there shall be Occasion for electing such new Members; but in Case the Secretary shall Delay the making of such Writs for the Space of two Days, next after he has Notice of the Speakers Order in that Behalf, it shall be lawful for the Speaker of the Assembly, for the Time being, to Issue forth the said Writs, which shall be made in the Governour's Name, under the Hand and Seal of the Speaker; whereupon every Sheriff, or other Officer to whom such Writ or Writs are directed, shall indorse the Day of his Receipt thereof, on the back, and with all convenient Speed, after he receives such Writ, shall cause publick Notice to be given of the Time and Place of Election, and proceed to elect thereupon. in Manner aforesaid, within the Space of Five Days after his Receipt of the said Writ, and give two Days Notice, at least, of the Day appointed for Election; which Notice shall be given in Writing, and shall be proclaimed in the most publick Places of the capital Town or Place where such Election is to be, and the said Sheriff or other Officer shall cause Copies of such Notice or Advertisement to be posted upon some Tree or House in the Way leading from every Township or Precinct, to the Town or Place where the said Election is to be, as also upon the Court-Houses and publick fixed Meeting-Houses for religious Worship in the said respective Counties.

And on what Manner the said Election of a new Member shall be, &c.

And when those Elections are made, by Virtue of the said Writs, in Manner aforesaid, the Sheriff, or other Officer, who shall officiate as Judges of the said Elections, shall write down the Names of the Persons so elected, in a Pair of Indentures, sealed, and presented, one Part thereof to the Governour, and the other Part to the Assembly, on the Day of the Return of such Writs, which said Indentures shall be deemed to be the Sheriff's Return of such Representatives.

And the Election being made, &c. the Names to be returned as before.

All which said Elections shall begin between the Hours of Ten in the Morning, and Two in the Afternoon; and that no Person

Person or Persons whatsoever by Force of Arms, or Menacing, shall disturb the Free-men of this Province in the free Election of their said Representatives but that the same Election shall be freely and indifferently made.

All which Elections to begin between 10 in the Morning and 2 in the Afternoon.

And be it further Enacted by the Authority aforesaid, That if any Sheriff shall refuse or neglect to give Notice of the said Election by Writs, shall Forfeit One Hundred Pounds, Money aforesaid, one Half to the Governour, and the other Half to him that shall sue for the same, in Manner aforesaid. And upon such Neglect or Refusal, the Coroner of the respective County, where the same shall happen, is hereby required by himself, or his Deputy, to officiate and perform all that the said Sheriff, or his Deputy, ought to have done and performed at the said Elections according to the Tenor and Directions of this Act, under the Penalty of Fifty Pounds, to be recovered as aforesaid, one Half to the Governour, and the other Half to him that shall sue for the same.

The Sheriff forfeits 100l. for Refusal &c. to give Notice of such Elections. and the Coroner 50l.

And every Sheriff, or other Officer, not making good and true Returns of the said Elections of Representatives, or Members of Assembly, according to the Direction of this Act, or refusing, or wilfully neglecting to do and perform what is hereby required to be done at and after the said Elections shall, Forfeit for every such Offence the Sum of One Hundred Pounds Money aforesaid, one Half thereof to the Governour, and the other Moiety to him that will sue for the same, in Manner aforesaid.

And for not making true Returns, &c. forfeits 100l.

And be it further Enacted by the Authority aforesaid, That the Representatives, so chosen and met, according to the Direction of this Act, shall be the Assembly of this Province, and shall have Power to choose a Speaker, and other their Officers, and shall be Judges of the Qualifications and Elections of their own Members, sit upon their own Adjournments, appoint Committees, prepare Bills, in Order to pass into Laws, impeach Criminals and redress Grievances, and shall have all other Powers and Priviledges of an Assembly, according to the Rights of the Free-born Subjects of England, and as is usual in any of the Queen's Plantations in America,

The Powers and Priviledges of an Assembly.

And if any County or Part of this Province, shall refuse or neglect to choose their respective Representatives, as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met shall have the full Power of an Assembly in as ample Manner, as if all the Representatives had been chosen and met. *Provided*, they are not less than two Thirds of the Whole that ought to meet.

If any County should refuse to serve, &c.

No Member to vote
&c. in the House till
qualified.

And be it further Enacted by the Authority aforesaid, That no Person who shall be hereafter a Member of the Assembly, or House of Representatives of this Province, shall be capable to vote in the said House, or sit there, during any Debate, after their Speaker is chosen, until he shall make and subscribe the following Declarations, and Profession of his Christian Belief, viz.

The Qualification
of every Member of
Assembly.

I A. B. do sincerely Promise, and solemnly declare before GOD and the World, That I will be faithful and bear true Allegiance to Queen Anne. And I do solemnly profess and declare, That I do from my Heart abhor, detest and renounce, as Impious and Heretical, that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.

And I do declare, That no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Power, Jurisdiction, Superiority, Preheminence or Authority, ecclesiastical or spiritual, within the Realm of England, or the Dominions thereunto belonging.

And I A. B. do solemnly and sincerely, in the Presence of GOD, profess, testify and declare, That I do believe, that in the Sacrament of the LORD's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of CHRIST, at or after the Consecration thereof, by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, at they are now used in the Church of Rome, are Superstitious and Idolatrous.

And I do solemnly in the Presence of GOD, profess testify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by English-Protestants, without any Evasion, Equivocation or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking I am or may be acquitted before GOD or Man, or absolved of this Declaration, or any Part thereof, although the Pope or any other Person or Persons, or Power whatsoever, should dispence with or annul the same, or declare that it was null or void from the Beginning.

And I A. B. profess Faith in GOD the Father, and in JESUS CHRIST his eternal Son, the true GOD, and in
the

the HOLY SPIRIT, one GOD, blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New-Testament, to be given by divine Inspiration.

Which said Declarations and Profession of Faith, shall be in the next and every succeeding Assembly to be held in this Province, solemnly and publickly made and subscribed, betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every such Member of the House of Representatives, at the Table, in the Middle of their House, and while a full House of Representatives is there sitting, with their Speaker in his Chair; and during the making and subscribing thereof, all Business and Debates in the said House shall cease.

How the same shall be made and when & where.

And the Clerk of the Assembly is hereby required to Record the same in Rolls or Books prepared for that Purpose; and every Member of Assembly shall pay the Clerk for Recording thereof *Five Pence*, and no more. And that the Manner and Method of making the said Declarations shall be as followeth, *To wit.* The Speaker shall first read and subscribe the same, and after him every Member, as he is called over, shall either read and subscribe the said Declarations, or else subscribe them as they shall be read unto him by the Clerk of the Assembly.

Which Qualifications shall be recorded by the Clerk of the Assembly.

And be it Enacted by the Authority aforesaid, That no Person whatsoever, who as any Time shall be elected Member of Assembly in this Province, and who shall make, and be willing and offer to make and subscribe the said Declarations, in Manner and Form aforesaid, shall be rejected or denied to sit, debate and act in the House of Representatives or General-Assembly of this Province.

And no Member shall be denied to sit &c. that makes & subscribes the same.

Provided nevertheless, That nothing herein contained shall extend to debar or hinder the House of Representatives to reject such Persons as are or shall be unduly elected Members to serve in Assembly, or such as the Assembly or major Part of them, shall see Cause, from Time to Time, by Vote to expel, or disable to sit or serve there, by Reason of ill Practice in Elections, or Misbehaviour in the House.

Except such as shall be unduly elected &c.

And be it further Enacted by the Authority aforesaid, That every Member chosen, or to be chosen, to serve in Assembly, as aforesaid, shall be allowed the Sum of *Six Shillings per Day*, and the Speaker *Ten Shillings per Day*, during his and their Attendance in the Service thereof; and that every Member of Assembly shall be allowed towards his travelling Charges

Members Allowance per Diem,

Which is altered.

Charges after the Rate of *Three Pence* a Mile coming to and going from the Place where the Assembly is or shall be held.

CHAP. CXXX.

An ACT for selling Beer and Ale by Wine-Measure.

WHEREAS by a Law of this Province, *for Regulating the Dimensions of Casks, &c.* It is Enacted (amongst other Things) That a Barrel shall contain Thirty one Gallons Wine-Measure. And whereas by another Law of this Province, *for Regulating of Weights and Measures,* It is (amongst other Things) Enacted, That none shall sell Beer or Ale by Retail but by Beer-Measure, according to the Standard of *England,* by Reason whereof the Retailers of Beer and Ale are obliged to sell the same by far greater Measure than they buy it : For Remedy whereof, *Be it Enacted, &c.* That from and after the Publication of this Act, all Persons which now are, or which at any Time or Times hereafter shall be, licensed to keep any Tavern, Inn, Ale-House or victualling-House within this Province, shall sell Beer and Ale by Wine-Measure to all Persons as drink it in their Houses, and by Beer-Measure to all such Persons as carry the same out of their Houses, under the Penalty of *Ten Shillings,* to the Use of the Poor, for every Offence, being convict thereof by on or more Witnesses, before one or more of the Justices of the Peace of the County where the Offence is committed, any Law, Custom or Usage to the Contrary in any wise notwithstanding.

Taverns to sell Beer or Ale by Wine-Measure in their Houses and by Beer Measure out of Doors, on 10s. Penalty.

Provided always, and be it further Enacted by the Authority aforesaid, That the above recited Law, Entituled, An Act for Regulating Weights and Measures, and every Part and Proviso therein contained, except the last Clause thereof, relating to selling Beer and Ale by Beer-Measure, shall be and remain in full Force, any Thing herein contained to the Contrary notwithstanding.

CHAP. CXXXI.

An ACT for the more easy and effectual
Collecting of the Proprietary's Quit-Rents.

WHEREAS since the first Location of Lands in this Province, the Quit-Rents reserved upon the several Grants, as well before the Date of the Royal Charter to the Proprietary, as since, have been very irregularly and uncertainly collected, not only to the great Loss of the Proprietor himself, who has thereby been kept out of his just Rights, but also to the great Inconveniency of the Free-holders, by having no certain and exact Accounts of their Quit-Rents kept; and being suffered, upon their Negligence, to run far in Arrears, that the Payment of what would be easie yearly, becomes more grievous and burthensome when to be paid in one Sum. And further, that upon the Transferring of Lands incumbered with Quit-Rents, the whole Arrears often become an intire Loss to the Purchaser. For Remedy whereof, *Be it Enacted, &c.* That there shall be always in this Province a Receiver-General appointed by the Proprietary, his Heirs and Assigns, or (upon Failure thereof, or in Case of Death or Removal) by those that represent the Proprietor, his Heirs or Assigns in this Province, in Matters of Property, who shall hold an Office, which shall be called the Receiver-General's Office for *Pennsylvania*, and either by himself, or sufficient Deputies, or other Persons appointed by the Proprietary, his Heirs or Assigns, or such as do or shall represent him or them in Matters of Property, as aforesaid, by Commissions or Deputations, which with the present Receiver-General's Commission, and his Deputations to the several Collectors of Quit-Rents, shall be recorded in the Office of Inrollment in each County of this Province, shall sit on some certain Day or Days in the first Month, called *March*, yearly, at such Place or Places in the respective Counties, as is by the Proprietor's Patents appointed, of which Time and Place, Ten Days Notice shall be, by the respective Receiver, given and published, by fixing Notes or Advertisements in Writing upon the Door of every publick Meeting-House for religious Worship in each County; and then and there receive all Quit-Rents due for such Lands in each County, from all and every the Free-holders and others that possess, and claim the same, who shall, pursuant to their Tenurs, be hereby obliged, at such Time and Place, to appear in Person, or by their Friends, and pay their Arrears of Rent. And the said several Pay-

The Proprietary shall appoint a Receiver-General who shall keep an Office, &c.

And in March sit yearly in each County, and shall give Ten Days Notice.

And then & there receive all Quit-Rents.

ments

*And shall enter
in a fair Roll the re-
veral Payments,*

*which Roll shall be
subject to View, &c.*

ments shall be duly entered in a fair Roll, made and kept for every County, within each Townshp in every County, and all the Lands therein according to the said Patents, in distinct Entries, which shall be subject to the View of every Person, as far as they relate to any particular Tract that such Person is or may be in any Ways concerned, either in his own Right or for or in Right of others.

*And on Refusal of
Payment may levy
the same by Distress.*

And in Case any Person, who so holds and claims any Lands or Lots in this Province, shall Neglect to appear, as aforesaid, and pay their Quit-Rents (Notice being as aforesaid) the Receiver or respective Collector, may levy the same by Distress, according as the Law of *England* impowers and directs to distrain for Rents. And if no Distress can be found, the Proprietary, his Heirs or Assigns, may sue for the Rent, or Arrearages thereof in an Action of Debt at the respective County-Court, and shall recover the same, as any other Debt may be recovered by the Laws of this Government.

Provided always, That no such Action, if the Defendant fail of fully answering the Debt, shall afterwards be a Bar to the Proprietary, his Heirs or Assigns, against recovering the same Arrears that were sued for, of the Land or Lots, from whence they accrued, by all such lawful Means as might be done, if such Action had not been commenced.

But where any Person holding Lands of the Proprietary, is not by Patent, Deed or Contract obliged to pay his Rent at any certain Place, and after such Notice of Time and Place given by the Receiver or Collector, as aforesaid, refuses to pay the same accordingly, it shall be lawful for such Receiver or Collector to Distrain for the Rent due, before such Demand; or for Want of Distress, the same shall be sued for, as aforesaid.

*Saving to all Per-
sons their legal Pleas*

Saving to all Persons that shall be wrongfully distrained upon, or sued by Colour of this Act all their legal Pleas and Remedies prescribed or allow'd in such Cases by the Laws of *England*.

*Renters who are
to pay Wheat shall
deliver the same into
a Mill within a Mile
of Navigable Water.*

Provided always, and it is hereby Enacted, That every Renter, who is by Patent or Contract to pay his Rent in Wheat, shall deliver the same in good Merchantable Wheat into some convenient Mill within a Mile of any Navigable Water, which may best suit the said Renter, and the Miller's Receipt for the same being produced to the Receiver or Collector, shall be accounted and taken as sufficient Payment for so much as shall be therein mentioned, and the Renter shall be discharged thereupon accordingly.

Provided

Provided also, That no Person shall be distrained upon, or sued for any Rent, or Arrears of Rent heretofore due, until Six Months be expir'd after the first Demand thereof shall be made, or Notice given, as aforesaid, to the End that every one may have Time to provide his Receipts and Proofs of Payments, if any be made; and for that Purpose he shall have Recourse to all Rent-Rolls, Books and Accounts of all the Receivers or Collectors or Quit-Rents, that can be found, to make out the Payments, where Receipts cannot be produced, which said Receivers and Collectors, their Executors and Administrators, shall and are hereby required, before the Twenty fourth Day of the Month called *June*, in the Year of Our Lord One Thousand Seven Hundred and Six, to bring into the Receiver-Generals Office at *Philadelphia*, all the Accounts of Rents gathered, received or had by the said respective Receivers or Collectors, or by their Order, or true Copies of such Accounts not already brought in; and if any Rents be thereby discovered, or otherwise made appear to be paid, or secured by Obligation, or other Speciality for that Purpose, the same shall be allowed by the Receiver General or his Deputy, for the Time being, or by such other Person as shall be appointed to Collect the Proprietary's Rents, as aforesaid.

*Arrears of Rent
not to be sued for till
six Months after De-
mand or Notice given
&c.*

*And where Re-
ceipts cannot be
found the Accounts of
the Receivers &c.
shall be allowed by
the Receiver General
for the Time being.*

Provided also, That where Receipts cannot be produced, nor any apparent Credit in or by any of the said Receivers Roll's, Books or Accounts, or no other Proof can be made of the Payment of the Rents, or Arrears of Rents heretofore due, to the Satisfaction of such Receiver or Collector, and yet the Party declares the same is paid, or secured, as aforesaid, in Part or in all; then and in such Cases the Receiver or Officer shall not make Distress for such Rents or Arrears, but may Sue for the same, and the Tenant or Debtor shall be allowed to give his own Affirmation, back'd with probable Circumstances, or Proof of others, in Evidence to the Jury, for his discharge; and if such Evidence be not to the Satisfaction of the Jury, they shall find for the Plaintiff.

*And if no such
Proof appears and
the Party declares
the Sum paid &c. no
distress to be made,
but the Parties Af-
firmation, to the Jury
allowed to be P^{ro}of
every Obligation gi-
ven for Rent, &c.
shall discharge &c.*

Provided also, That every Obligation or Speciality, which hath been or shall be given, for Arrears of Quit-Rents, shall discharge the Obligors of so much thereof, and be a Bar to any Action or Avowry for the same.

And be it further Enacted by the Authority aforesaid, That none of the said Quit-Rents shall be multiplied, but the Rent or Sum first reserved, shall be apportioned, and no Person after, he has given the Receiver or Collector a due Account of what Land he has alienated, and the same is entred in the Roll, as is herein after directed, shall be charged, distrained or sued

The Rent first referred shall be in proportion on the Division of Lands &c. and no Person to pay more than his share of said Quit Rents,

for any more of the said Quit-Rents, than what shall be really due, or ought of Right to be required, or had, for the Quantity of Ground or Number of Acres, which he or she respectively holds. And no Person shall be charged or obliged to pay any Quit-Rents for such Parts of his or her Lands or Lots, as he or she shall have alienated or conveyed to another who resides upon any Lands adjoining, upon the Account of which he or she was before entered into the said Roll, which the Receiver or Officer, upon due Notice had thereof, is hereby required to do.

So that no proportions of Rents be less than 12 d. Sterling and a bushel of Wheat and Receiver is to enter into his Rent Rolls every alienation.

Provided, always, That no Proportions or Parts of Quit-Rents, for Lots or Lands sold or alienated after the Twenty fifth of the Month called *March*, in the Year One Thousand Seven Hundred and Six shall be less than Twelve Pence Sterling, for new Renters, and One Bushel of Wheat for old Renters; and upon Alienations before the said Twenty fifth Day of *March* the Receiver, or his Deputies, shall not be obliged to receive for any Part, or Parcel of Lots or Lands, less than *Three Pence* Sterling Yearly, or one Peck of Wheat. And the said Receiver, or his Deputies are hereby required to enter into the respective Rent-Rolls, every such alienation, as aforesaid, for which the under Purchaser, who shall be so entred shall Pay *One Shilling*.

Lands &c. in Arrears for three Years Quit-Rents or County Levies.

Maybe levied on in the manner as other Lands &c. for Payment of Debts.

And whereas divers Persons, who are not Resident in this Province, have procured their Lands to be located, where the same, by the Settlement of the Neighbouring Inhabitants, are greatly Improved in Value, and yet have not paid Quit-Rents, nor publick Charges, for Want of some Person in the Place to Answer for them, *Be it therefore Enacted by the Authority aforesaid,* That from and after the Twenty fifth of the Month called *March*, which shall be in the Year One Thousand Seven Hundred and Eight, where any Tracts of Lands, or Lots, shall be in Arrears, for Quit-Rents, Yearly arising thereupon, or for the Provincial or County Rates assessed, or to be assessed, or made payable for the same, it shall be lawful for the Clerk of the County where such Land lies, in the Name of the Proprietor to sue such Non-Resident, in the respective County-Court, as well for the arrears of Quit-Rent as Taxes unpaid, for the Space of Three Years, or more next before such Suit, and if the Defendant doth not by himself, or any other, appear to Defend Such suit, and pay the said Arrears of Quit-Rents and Taxes, Judgment shall be given against the Defendant, and Execution shall be awarded, to be levied on so much of the said Lands, as shall satisfy the Judgment, in the same Manner as other Lands by the Laws of this Province, are to be taken and sold upon Execution, for the Payment of Debts; and to much

much of the Money raised by such Sale, as shall be due for Quit-Rents, shall be by the Sheriff paid to the Proprietor or his Receiver; and what shall be due for Taxes, shall be paid to the Provincial or County Treasurer respectively.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of each County of this Province, to grant Writs of Replevin in all Cases whatsoever, where Replevins may be granted by the Laws of England, taking Security, as the said Law directs, and make them returnable to the next respective Courts of Common-Pleas in the proper County, there to be determined according to Law.

Writs of Replevin grantable.

CHAP CXXXII.

An ACT about Departers out of this Province.

B*E it Enacted &c.* That every Person intending to depart or leave this Province, shall publish his or her Intentions; in Writing, under one Justices Hand, affixed on the Door of the County Court-House where he or she inhabits, Thirty Days before his or her Departure, and shall have a Pass under the Province or County Seal. And if any Master of Ship or Vessel shall presume to convey or transport any Person inhabiting in this Province, out of this Government, without such Pass, such Master or Person shall pay all Damages that shall happen thereby.

Chap. 133. *An ACT for the better Improving a good Correspondence with the Indians, Expired.*

CHAP. CXXXIV.

An ACT about Attachments,

W*H E R E A S* the Laws of this Government have hitherto been deficient in Respect of Attachments (so that the Effects of Persons absenting are not equally lyable with those of Persons dwelling upon the Spot, to make Satisfaction for Debts, contracted or owing within this Province) to the great Injury of the Inhabitants thereof, and Encouragement of such unworthy Persons as frequently by absconding make an Advantage of the Defect aforesaid, To prevent which

Proceedings on attachments redressed by the 9th G. Chap.

Inconveniency, *Be it Enacted, &c.* That the Justices of the respective County-Courts within this Province shall and are hereby Impowered to grant Writs of Attachment, which Attachments so granted shall be duly served by the respective Sheriffs or Coroners, as the Case may require, upon the Goods and Chattles of such Person or Persons against whom the same shall be awarded, in whose Hands or Possession the same shall be found, returnable to the next succeeding Court respectively, where the Party may proceed to Trial, and shall have Judgment granted the Third Court after the Effects are seized.

And be it further Enacted by the Authority aforesaid, That the Person or Persons whose Goods or Effects are so attached, shall be called *The Defendant* in the Attachment, and the Person in whose Hands or Possession the same Goods or Effects are attached, shall be called *The Garnishee*, and shall be obliged to appear in Court at the Return of the Attachment, and answer what shall be objected against him, and abide the Judgment of Court, and shall be allowed, out of the Effects attached, reasonable Satisfaction for his Attendance. And that the Manner of Executing the said Writs shall be by the Officers going to the House or to the Person in whose Hands or Possession the Defendants Goods or Effects are supposed to be, and then and there declare in the Presence of one or more credible Persons of the Neighbourhood, *That he attacheth the same Goods or other Effects*: From and after which Declaration, the Goods, Money or Effects, so attached shall remain in the Officers Power, and be by him secured, in Order to answer and abide the Judgment, of Court in that Case, unless the Garnishee will give Security therefore. And if the Plaintiff obtain a Verdict, Judgment and Execution for the Money and Goods in the Garnishee's Possession: Yet the Defendant, in the attachment, may at any Time before the Money paid, put in Bail to the Plaintiff's Action, upon which the Attachment is grounded, whereby the Garnishee will and shall be immediately discharged. And if an Attachment shall be made for Goods or Effects, and the Garnishee plead, he had no Goods or Effects in his Hands at the Time of the Attachment, or at any Time after, and the Plaintiff prove the Contrary, the Jury in such Case being satisfied that the Proof is plain and full, shall find for the Plaintiff, and say what Goods or Effects they find in the Garnishee's Hands: Whereupon Judgment shall be entred, that Appraisement may be made of the said Goods or Effects, so found by the Jury, and a Precept shall be granted, requiring the Sheriff to get the same appraised; and if the Garnishee will not produce them, Execution shall be forthwith awarded for the Value thereof according to Appraisement, to be levied of the Lands, Tenements, Goods and Chattles of the Garnishee.

*The manner of
Proceeding on At-
tachments.*

Provided

Provided always, That no Writ of Attachment shall hereafter be granted against any Person or Persons Effects, but such only as at the Time of granting such Writs, are not resident or residing within this Province, or are about to remove or make their Escape out of the same, and shall refuse to give sufficient Security to the Complainant for his Debt or other Demand before he departs the said Province.

No Attachment to be granted against a Resident &c.

Provided also, That after Judgement obtained by the Plaintiff, upon any Attachments against Non-residents, the Plaintiff shall before Sale, and after Execution is awarded, find Security, who shall undertake for the Plaintiff, *That if the Defendant in the Attachment, shall within a Year and a Day next following, by himself or Attorney. come into Court and disprove or avoid the Debt recovered by the Plaintiff against him, or shall discharge the same, with Costs, that then the Plaintiff shall restore to the Defendant the Goods or Effects, or the Value thereof, by the Plaintiff attached and condemned, or so much thereof as shall be disproved or discharged; or else that they shall and will do it for him.*

The Plaintiff after Judgement obtained shall find security That if the Defendant &c.

CHAP. CXXXV.

An ACT for the Trial of Negroes.

WHEREAS some Difficulties have arisen within this Province, about the Manner of Trial and Punishment of Negroes committing Murther, Man-Slaughter, Buggery, Burglary, Rapes, Attempts of Rapes and other high and heinous Enormities and capital Offences: For Remedy thereof, and for the speedy Trial and condign Punishment of such Negroe or Negroes offending as aforesaid,

Two Justices Commissionated by the Governour with the Assistance of Six Free-holders to try Negroes for murther. &c.

Be it Enacted, &c. That it shall and may be lawful for two Justices of the Peace of this Province, who shall be particularly commissionated by the Government for that Service, within the respective Counties thereof, and six of the most substantial Free-holders of the Neighbourhood, to hear, examine, try and determine all such Offences committed by any Negroe or Negroes; which said Free-holders shall be by Warrant under the Hands and Seals of the respective Justices, commissionated, as aforesaid, directed to the next Constable, summoned to appear at such Time and Place as the said Justices shall therein appoint; which Free-holders, the said Justices shall solemnly attest, *Well and truly to give their Assistance*

Their Qualification and manner of proceeding thereon.

Assistance and Judgment upon the Trial of such Negroe or Negroes, who shall hold a Court for the hearing, Trying, Judging, determining and Convicting of such Negroe or Negroes as shall be before them charged or accused of committing any Murther, Man-Slaughter, Buggery, Burglary, Rapes, Attempts of Rapes, or any other high or heinous Offence committed, acted or done in any of the respective Counties within this Province, as aforesaid.

Their Duty and Power to acquit or Condemn &c.

And be it further Enacted by the Authority aforesaid, That upon the holding of such Court by the said Justices and Free-holders, as aforesaid, it shall and may be lawful for the said Justices and Free-holders to examine, try hear, judge, determine, convict, acquit or condemn, according to Evidence and full Proof and Negroe or Negroes for any the Crimes or Offences aforesaid, or any other high or capital Offence, and upon due Proof and Conviction to pronounce such Judgment or Sentence in the Premises, as is agreeable to Law and the Nature of the Offence, or otherwise to acquit, free and discharge such Negroe or Negroes, in Case the Evidence shall not be sufficient for a Conviction therein.

How Sentence shall be given and Execution done &c.

And be it further Enacted by the Authority aforesaid, That where such Negroe or Negroes shall be convicted, and Judgment or Sentence shall be pronounced by the respective Justices and Free-holders, as aforesaid, and a Warrant by them signed and sealed, to be directed to the High-Sheriff of the County where the Fact was committed or tried, for the Execution of such Negroe or Negroes, the same shall be duly executed or caused to be duly executed by the said Sheriff, on Pain of being disabled to act any longer in that Post or Office.

Penalty.

And if any of the said Justices or Free-holders Neglect or Delay to do their Duty therein, they shall be liable to be fined by the Governour and Council, in any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattles of such Justices or Free-holders so refusing, as aforesaid.

Rape &c. punished by Death and an Attempt thereof &c. by whipping &c.

And be it further Enacted by the Authority aforesaid, That if any Negroe or Negroes within this Province shall commit a Rape or Ravishment upon any White Woman or Maid, or shall commit Murther, Buggery or Burglary, they shall be tried as aforesaid, and shall be punished by Death. And for an Attempt of Rape or Ravishment on any White Woman or Maid, and for Robbing and Stealing, or Fraudulently taking and carrying away any Goods, living or dead, above the Value of Five Pounds, every Negroe, upon Conviction of any of the said Crimes, shall be whip'd with Thirty Nine Lashes,

Lashes, and branded on the Fore-head with the Letter [R] or [T] and exported out of this Province by the Master or Owner, within Six Months after Conviction, never to return into the same, upon Pain of Death, and shall be kept in Prison till Exportation, at their Masters or Owners, or their own Charge. And for Robbing or Stealing any Goods, as aforesaid, under the Value of *Five Pounds*, every Negroe, upon Conviction thereof, shall be whip'd at the Discretion of the Justices, with any Number of Lashes not exceeding Thirty Nine, and the Master or Owner of such Negroe shall make Satisfaction to the Party wronged for the Value, and pay all Costs, to be levied by Distress and Sale of the said Masters or Owners Goods, if he or they refuse or Delay to Answer it otherwise.

Stealing under 5 l Value, by whipping only, and the Master to pay &c.

And be it further Enacted by the Authority aforesaid. That if any Negroe shall presume to carry any Guns, Sword, Pistol, Fowling-Piece, Clubs or other Arms or Weapons whatsoever, without his Masters special Licence for the same, and be convicted thereof before a Magistrate, he shall be whip'd with Twenty One Lashes on his bare Back.

Negroes not allowed to carry a Gun &c.

And be it further Enacted by the Authority aforesaid, That for preventing Negroes meeting and accompanying together on first Days of the Week or any other Day or Time in great Companies or Numbers, that if any Person or Persons give Notice thereof (and to whom they respectively belong) to any Justice of the Peace within this Province, the same being above the Number of Four in Company, and upon no lawful Business of their Masters or Owners, such Negroes so offending shall be publickly whip'd at the Discretion of one Justice of the Peace, not exceeding Thirty Nine Lashes.

Nor to meet above four in Company on penalty of whipping.

CHAP. CXXXVI.

An ACT to prevent the Importation of Indian-Slaves.

WHEREAS the Importation of *Indian-Slaves* from *Carolina*, or other Places, hath been observed to give the *Indians* of this Province some Umbrage for Suspicion and Dissatisfaction, Be it Enacted, &c. That if after the Twenty fifth Day of *March* in the Year One Thousand Seven Hundred and Six, any Person shall import, or cause to be imported, any *Indian-Slaves* or Servants whatsoever, from any Province, or Colony in *America* into this Province by

No Indian Slaves
to be Imported into
this Province on pe-
nalty of being for-
feited.

by Land or Water, such only and their Children (if any) excepted, as for the Space of one Year before such Importation, shall be proved to have been menial Servants in the Family of the Importer, and are brought in together with the Importer's Family, every such Slave or Servant, so here landed, shall be forfeited to the Government, and shall be either set at Liberty, or otherwise disposed of as the Governour and Council shall see Cause.

Provided always, That no such *Indian-Slave* as Deserting his Master's Service elsewhere (that shall fly into this Province) shall be understood or be construed to be comprehended within this Act.

CHAP. CXXXVII.

The LAW about Seven Years quiet Possession.

BE it Enacted, &c. That Seven Years quiet Possession of Lands within this Province, which were first entred on, upon an equitable Right, shall forever give an unquestionable Title to the same, against all, during the Estate whereof they are or shall be possessed, : Except in Cases of *Infants, Married-Women, Lunaticks, and Persons not resident* within this Province and Territories.

Chap. 138. *An ACT for the killing of Wolves.* Supplied.

CHAP. CXXXIX.

An ACT against mixing and adulterating Strong-Liquors.

FOR the Preventing of Fraud in mixing and adulterating Rum, Brandy or such like Spirits, *Be it Enacted, &c.* That if any Person within this Province shall presume to sell Rum, Brandy or such like Spirits, that is adulterated or mix'd with Water or any other Liquor, knowing the same to be so adulterated or mix'd, being convict thereof by one or more credible Witnesses, he or she shall for every such Offence forfeit the said Rum, Brandy or Spirits, to be exposed to Sale and pay treble the Value thereof, one Moiety to the Support of Government, and the other Moiety or Half, to him that shall discover or sue for the same.

The mixing Water with Rum, to sell is Forfeiture therefore.

CHAP.

CHAP. CXL.

An ACT for Marriners not to be trusted.

TO the End that no Marriners shall be arrested to hinder their Voyage in any Ship or other Vessel to which they belong, bound out to Sea, *Be it Enacted*, &c. That no Person, Ordinary-keepers or others, within this Province, shall trust any Marriner belonging to any Vessel, above *Five Shillings*, unless the Master of the Ship or Vessel, to whom such Marriner belongs, engage for the same, upon the Penalty of loosing what they so trust, and of the Sum of *Five Pounds* over and above for each Offence, one Moiety thereof to the Master or Merchant injured and the other to the Governour, and shall further Forfeit their Licence, except such Marriner have Goods on board the said Vessel, or otherways to Answer the same.

Marriners not to be trusted above 5s.

5l. Penalty, &c.

CHAP. CXLI.

An ACT for County Seals, and against Counterfeiting Hands and Seals.

BE it Enacted, &c. That there shall be a County-Seal in every County in this Province, for the Use of each County, and if any Person within the said Province, shall be convicted of Counterfeiting the Hand or Seal of another, with Intent to defraud such Person, shall suffer Three Months Imprisonment, and be fined treble the Value he or she shall have defrauded, or attempted to have defrauded, thereby, to the Use of the Party wronged. And whosoever shall counterfeit the Privy or Broad Seal of the said Province, being convicted thereof, shall suffer Seven Years Imprisonment, as aforesaid, and be fined at the Discretion of the Court where such Party shall be convicted, in any Sum not exceeding *One Hundred Pounds*, for the Support of Government.

The Penalty of Counterfeiting Hand or Seal.

Or the privy or Broad Seal.

CHAP. CXLII.

An ACT for Defalcation.

BE it Enacted, &c. That if any Two or more dealing together, be inbcted to each other upon Bonds, Bills, Bargains, Promises, Accounts or the like, and one of them

Any Person sued upon, Bond Bill, &c.

May plead Payment of Part or the whole Debt, &c.

And if the Jury find the Plaintiff is over paid the Verdict shall be given for the Defendant.

And how the Court shall proceed upon the same.

Where a Tender is made and the Party refuses &c. afterwaies sued, he shall recover no Costs.

The award of Referees chosen in Court by Consent of Parties shall have the same Effect as a Verdict.

commence an Action in any Court of this Province, if the Defendant cannot gain-say the Deed, Bargain or Assumption upon which he is sued, it shall be lawful for such Defendant to plead Payment of all or any Part of the Debt or Sum demanded, and give any Bond, Bill, Receipt, Account or Bargain in Evidence; and if it shall appear that the Defendant hath fully paid or satisfied the Debt or Sum demanded, the Jury shall find for the Defendant, and Judgment shall be entered, that the Plaintiff shall take Nothing by his Writ, and shall pay the Costs. And if it shall appear that any Part of the Sum demanded be paid, then so much as is found to be paid shall be defaultked, and the Plaintiff shall have Judgment for the Residue only, with Costs of Suit. But if it appear to the Jury that the Plaintiff is over paid, then they shall give in their Verdict for the Defendant, and withal certify to the Court, how much they find the Plaintiff to be indebted, or in Arrear to the Defendant more than will answer the Debt or Sum demanded, and the Sum or Sums so certified shall be recorded with the Verdict, and shall be deemed as a Debt of Record; and if the Plaintiff refuse to pay the same, the Defendant for Recovery thereof shall have a *Scire facias* against the Plaintiff in the said Action, and have Execution for the same, with the Costs of that Action.

Provided always, That in all Cases where a Tender shall be made; and full Payment offered by Discount, or otherwise, in such Specie as the Party by Contract or Agreement ought to do; and the Party to whom such Tender shall be made doth refuse the same, and yet afterward will sue for the Debt or Goods so tendred, the Plaintiff shall not recover any Costs in such Suit.

Provided also, That in all Cases where the Plaintiff and Defendant having Accounts to produce one against another shall by themselves or Attorneys or Agents Consent to a Rule of Court for refering the adjustment thereof to certain Persons mutually chosen by them in open Court, the Award and Report of such Referees being made according to the Submission of the Parties, and approved of by the Court, and entered upon the Record or Roll, shall have the same Effect, and shall be deemed and taken to be as available in Law as a Verdict given by Twelve Men, and the Party to whom any Sum or Sums of Money are thereby awarded to be paid shall have Judgment or a *Scire facias* for the Recovery thereof, as the Case may require, and as is herein before directed concerning Sums found and settled by a Jury, any Law or Usage to the Contrary of this Act in any wise notwithstanding.

CHAP. CXLIII.

An ACT for Bailing of Prisoners, and about Imprisonment.

BE it Enacted, &c. That all Prisoners shall be bailable by one or more sufficient Sureties, to be taken by or more of the Judges or Justices that have Cognizance of the Fact, unless for such Offences as are or shall be made Felonies of Death by the Laws of this Province; and at least every Half Year there shall be a Goal-Delivery in every County of this Province, where Imprisonment is not the Punishment, and that Goalers shall not oppress their Prisoners; and that all Prisoners shall be free as to Room; and all Prisoners shall have Liberty to provide them selves with Bedding, Food and other Necessaries during their Imprisonment; and that the Publick-Allowance shall be *Two Pence per Day*, and no more; and that the respective Prisons shall be Work-Houses (until others are provided) for Fellons, Thieves, Vagrants and loose and idle Persons, whereof one shall be in each respective County of this Province; and that no Person or Persons shall be obliged to Answer to any Indictment or Presentment, unless the Prosecutor's Name be incerted thereon; and if any Person or Persons shall be imprisoned or prosecuted without probable Cause, he, she or they shall have double Damages against the Informer or Prosecutor, to be recovered by Action at Common-Law.

All Persons bailable except for felonies of Death.

The Liberty of Prisoners and their Allowance.

CHAP. CXLIV.

An ACT for taking Lands in Execution for Payment of Debts. See Chap. 48.
Anno 1700.

Vide 13. Georgii.

TO the End that no Creditor may be defrauded of their just Debts due to them from Persons who have sufficient real if not personal Estates to satisfy the same, *Be it Enacted, &c.* That all such Lands, Tenements and Hereditaments whatsoever within this Province, where no sufficient personal Estate can be found, shall be liable to be seized and sold, upon Judgement and Execution obtained.

Lands, Tenements &c. may be sold for the Payment of Debts.

Provided always, That when any Debt is hereafter recovered, and Damages awarded, or when any Debt is acknowledged

*Except the Rents
thereof will satisfy
such Debts in 7 Years.*

*And thento be ex-
tended.*

*And if not, & before
thesaid Extent be out
other Debts shall be
recovered which can
not be satisfied out of
the said yearly Pro-
fits, then said Lands
shall be sold.*

ledged before such as have or shall have Power to take Cognizance thereof, and Executions awarded thereupon, to be levied upon the Lands, Tenements or Hereditaments of any Person or Persons whatsoever, it shall not be lawful for any Sheriff or other Officer by Virtue of such Executions, or of any Writ or Writs thereupon, to sell or expose to Sale any such Lands, Tenements or Hereditaments in this Province, which shall or may yield yearly Rents or Profits, beyond all Reprizes sufficient, within the Space of Seven Years, to pay or satisfy such Debts or Damages, with the Costs of Suit; but that all those Lands, Tenements and Hereditaments, shall, by Virtue of the Writ or Writs of Execution, be delivered to the Party obtaining the same, until the Debt or Damages be levied by a reasonable Extent, in the same Manner and Method as Lands are delivered upon Writs of *Elegit* in England.

Provided nevertheless, That if the clear Profits of such Lands or Tenements shall not be found by Inquest of Twelve Men to be sufficient, within Seven Years to satisfy the Debt or Damages in such Executions, or if before the Extent be out, any other Debts or Damages shall be recovered against the same Debtor or Defendant, his Heirs, Executors or Administrators, which, with what remains due upon that Extent, cannot all be satisfied out of the yearly Profits of the Lands and Tenements so extended, within Seven Years, Then and in every such Case the Sheriff or other Officer, shall accordingly certify the same upon the Return of such Executions, whereupon Writ or Writs of *Venditioni exponas* shall issue forth to sell such Lands or Tenements, for and towards Satisfaction of what shall so remain due upon such Extent, as also towards Satisfaction of all the rest of the said Debts or Damages, in Manner as is herein after directed concerning the Sale of other Lands.

*How the Sheriff
is to proceed therein.*

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Sheriff or other Officer, by a Writ of *Levari facias*, to seize and take all other Lands, Tenements and Hereditaments in Execution, and thereupon with all convenient Speed, either with or without any Writ of *Venditioni exponas*, to make publick Sale thereof, for the most they will yeild, and pay the Price or Value of the same, to the Party, towards Satisfaction of his Debt, Damages and Costs; but before any such Sale be made, the Sheriff or other Officer, shall cause so many Writings to be made upon Parchment or good Paper, as the Debtor or Defendant shall reasonably Desire or Request, or so many, without such Request, as may be sufficient to signify and give Notice of such

such Sales or Vendues, and of the Day and Hour when, and the Place where the same will be, and what Lands or Tenements are to be so sold, and where they lie; which Notice shall be given to the Defendant, and the said Parchments or Papers fix'd by the Sheriff or other Officer in the most publick Places of the County or City, at least ten Days before Sale; and upon such Sale the Sheriff or other Officer shall make Return thereof, indorsed or annexed to the said *Levari facias*, and give the Buyer a Deed, duly executed and acknowledged in Court, for what is sold, as has been heretofore used, upon the Sheriff's Sale of Lands; But in Case the said Lands and Hereditaments, so to be exposed, cannot be sold, Then the Officer shall make Return upon the Writ, *That he exposed such Lands or Tenements to Sale and the same remained in his Hand unsold for Want of Buyers*. Which Return shall not make the Officer liable to answer the Debt or Damages contained in such Writ, but a Writ called *Liberari facias*, shall forthwith be awarded, and directed to the proper Officer, commanding him to deliver to the Party such Part or Parts of those Lands, Tenements and Hereditaments, as shall satisfy his Debt, Damages and Interest, from the Time of the Judgment given, with Costs of Suit, according to the Valuation of Twelve Men. To hold to him as his free Tenement, in Satisfaction of his Debt, Damages and Costs, or so much thereof as those Lands, by the Valuation thereof, as aforesaid shall amount unto; and if it fall Short, the Party may afterwards have Execution for the Residue against the Defendant's Body, Lands or Goods, as the Laws of this Province shall direct and appoint, from Time to Time, concerning other Executions: All which said Lands, Tenement, Hereditaments and Premises, so, as aforesaid, to be sold or delivered by the Sheriff or Officer aforesaid, with all their Appurtenances, shall and may be quietly and peaceably held and enjoyed by the Person or Persons, or Bodies politick, to whom the same shall be sold or delivered, and by his and their Heirs, Successors or Assigns, as fully and amply, and for such Estate and Estates, and under such Rents and Services as he or they for whose Debt or Duty the same shall be so sold or delivered, might, could or ought to do at or before the taking thereof in Execution.

Notice to be given of such Sales.

Ten Days before Sale and the Sheriff shall give the Buyer a Deed, &c.

But in Case the said Lands, &c. cannot be sold how the Sheriff shall proceed.

And how the Debtor shall be satisfied.

And hold the said Lands. &c.

Provided always, That the Messuage, Lands or Tenements upon which the Defendant is chiefly seated, shall not be exposed to Sale before the Expiration of one whole Year after Judgment is given, to the Intent that the Defendant or any other for him, may redeem the same.

The chief Messuage &c. not to be sold within a Year after Judgment, &c.

And

And for as much as divers Persons have Mortgaged their Lands and Tenements in this Province for securing the Payment of Monies, and some of them have died before the Time of Payment; and left others to succeed them, that have proved Insolvent, and others have neglected to pay the Mortgage Money, and so Mortgages are become no effectual Security, considering how low the annual Profits of Tenements and improved Lands are here, and the Discouragements which the Mortgagees meet with, by Reason of the Equity of Redemption remaining in the Mortgagors, *Be it therefore Enacted by the Authority aforesaid*, That where Default or Defaults have been or shall be made or suffered by any Mortgagor or Mortgagors of any Lands, Tenements, or other Hereditaments within this Province, or by his her or their Heirs, Executors, Administrators and Assigns, of or in Payment of the Mortgage Money, or performance of the Condition or Conditions which they or any of them should have paid or performed, or ought to pay or perform in such Manner and Form, and according to the Purport, Tenor and Effect of the respective Proviso's, Conditions or Covenants comprized in their Deeds of Mortgage or Defeazance, and at the Days, Times and Places in the same Deeds respectively mentioned and contained, That in every such Case it shall and may be lawful to and for the Mortgagee or Mortgagees, and him, her or them that grant the Deeds of Defeazance, and his, her and their Heirs Executors, Administrators and Assigns at any Time after the Expiration of Twelve Months next ensuing the last Day, whereon the said Mortgage Money ought to be paid, or other Conditions performed, as aforesaid, to sue forth a Writ or Writs of *Scire facias*, which the Clerk of the Court of Common-Pleas for the County or City where the said Mortgage Lands or Hereditaments lie and be, is hereby impowered and required to make out and dispatch, directed to the proper Officer, requiring him by honest and lawful Men of the Neighbourhood to make known to the Mortgagor or Mortgagors, his, her or their Heirs, Executors or Administrators, that he or they be and appear before the Magistrates, Judges or Justices of the said Court or Courts, to shew if any Thing he or they have to say, wherefore the said mortgaged Premises ought not to be seized and taken in Execution, for Payment of the said Mortgage Money, with Interest, or to satisfy the Damages which the Plaintiff in such *Scire facias* shall upon the Record suggest, for the Breach or Non-performance of the said Conditions; and if the Defendant in such *Scire facias* appears, he or they may plead Satisfaction or Payment of Part or all the Mortgage Money, or any other lawful Plea, in avoidance of of the Deed or Debt, as the Case may require; but if the Defendants in such *Scire facias*, will not appear on the Day where-

The Mortgagee upon non Payment of the Mortgage Money, may after one Year sue forth a Writ of *Scire facias*, &c.

on the same Writ shall be made returnable, then if the Case be such, as Damages only are to be recovered, an Inquest shall be forthwith charged to inquire thereof, and the definitive Judgment therein, as well as all other Judgments to be given upon such *Scire facias*, shall be entred, that the Plaintiff in the *Scire facias* shall have Execution by *Levari facias*, directed to the proper Officer; by Virtue whereof the said mortgaged Premises shall be taken in Execution, and exposed to Sale in Manner aforesaid, and upon Sale conveyed to the Buyer or Buyers thereof, and the Money or Price of the same rendered to the Mortgagee or Creditor, but for want of Buyers, to be delivered to the Mortgagee or Creditor, in Manner and Form as is herein before directed concerning other Lands and Hereditaments to be Sold and Delivered upon Executions, for other Debts or Damages; and when the said Lands and Hereditaments shall be so sold or delivered, as aforesaid, the Person or Persons to whom they shall be so sold or delivered, shall and may hold and enjoy the same with their Appurtenances, for such Estate or Estates as they were sold or delivered, clearly discharged and free'd from all Equity and Benefit of Redemption, and all other Incumbrances made and suffered by the Mortgagors, their Heirs or Assigns; and such Sales shall be available in Law, and the respective Vendees, Mortgagees or Creditors, their Heirs and Assigns shall hold and enjoy the same, free'd and discharged, as aforesaid; but before such Sales shall be made, Notice shall be given in Writing in Manner and Form as is herein above directed concerning the Sales of Lands upon Executions, any Law or Usage to the Contrary notwithstanding.

And take out Execution and expose to Sale the Mortg and Premises as above directed

And such Sales shall be available in Law &c.

Provided also, and be it further Enacted by the Authority aforesaid, That when any of the said Lands. Tenements or Hereditaments which by the Direction and Authority of this Act are to be sold for Payment of Debts and Damages, in Manner aforesaid, shall be sold for more than will satisfy the same Debts or Damages, and reasonable Costs, then the Sheriff or other Officer, who shall make the Sale must render the Over-plus to the Debtor or Defendants; and then, and not before, the said Officer shall be discharged thereof upon Record, in the same Court where he shall make Return of his Proceedings concerning the said Sales.

Overplus to be returned to the Debtor where Lands, &c. are sold for more than will satisfy the Debts &c.

Provided also, That no Sale or Delivery which shall be made by Virtue of this Act, shall be extended to create any further Term or Estate to the Vendees, Mortgagees or Creditors, than the Lands or Hereditaments so sold or delivered, shall appear to be mortgaged for by the said respective Mortgagees, or defeazible Deeds.

Such Sale not to create any further Estate than, &c.

Provided

Provided also, That if any of the said Judgments which do or shall warrant the awarding of the said Writs of Execution, whereupon any Lands, Tenements or Hereditaments have been or shall be Sold, shall at any Time hereafter be reversed, for any Error or Errors. Then and in every such Case, none of the said Lands, Tenements or Hereditaments, so as aforesaid taken or sold, or to be taken or sold upon Executions, nor any Part thereof, shall be restored, nor the Sheriff's Sale or Delivery thereof avoided, but Restitution in such Cases only of the Money or Price for which such Lands were or shall be sold.

The said Lands &c. not to be restored upon the Reversal of such Judgments &c. but the Price of such Lands, &c. shall be repaid.

CHAP. CLXV.

An ACT about Arrests, and making Debtors pay by Servitude.

BE it Enacted &c. That in Case any Person arrest another going out of this Government, he shall be ready with his Declaration and Evidence the next Day, and shall put in Security to pay the Charges and Damages sustained by the Party arrested, if he shall be found in the Wrong; and that all Persons of known Estates (refusing to pay their just Debts) if arrested and imprisoned, shall be kept in at their own Charges, until Security be given or Satisfaction be made.

Any Person arresting another going out of this Government, shall, &c.

Provided always, That no Person shall be kept in Prison for Debt or Fines, longer than the second Day of the next Sessions after his or her Commitment, unless the Plaintiff shall make it appear that the Person imprisoned hath some Estate that he will not produce, in which Case the Court shall examine all Persons suspected to be privy to the Concealing of such Estate, and if no Estate sufficient shall be found, the Debtor shall make Satisfaction by Servitude, according to the Judgment of the Court where such Action is tryed (not exceeding Seven Years, if a single Person, and under the Age of Fifty and three Years, and Five Years if a married Man, and under the Age of Forty and six Years) if the Plaintiff require it; but if the Plaintiff refuse such Manner of Satisfaction, according to the Judgment of the Court, as aforesaid, then and in such Case the Prisoner shall be discharged in open Court.

Debtors to pay by Servitude, &c.

1729. Discontinued

Except Masters of Ships, &c.

Provided always, That nothing in this Act contained shall be construed to subject any Master of Ship or other Vessel, Trading into this Province from other Parts, to make Satisfaction for Debt by servitude, as above said.

And

And be it further Enacted by the Authority aforesaid, That no Free-holder, Inhabiting in this Province, shall be taken for Debt before Trial, unless he or she be about to depart out of this Province, and refuse to give sufficient Bail for Appearance at the next Court, or Security for the Payment of the Debt, and that in such Case, before any Warrant of Arrest be granted, the Plaintiff shall declare before those who are empowered to grant the same, that he or she believeth in his or her Conscience, that his or her Cause of Action is just, and his or her Declaration and Evidence are ready for Trial, if the Defendant shall pray a special-Court; and that in all other Cases of Debt or Damages, relating to Free-holders residing in this Province, the Process and Proceedings shall be by Summons only, as by a former Law of this Province.

No Free-holder to be Arrested except Sec.

But the Process shall be by Summons

Provided always, That this Law shall not be extended, nor be in Force against any Member of the Governour's Council or Assembly of this Province, during the Sitting of the Assembly, and fourteen Days before, and five Days after rising.

Members of Assembly Sec.

CHAP. CXLVI.

An ACT for the Relief of the Poor.

FOR the better Relief of the Poor of this Province, Be it Enacted, &c. That the Justices of the Peace of the respective Counties of this Province, or any Three or more of them, shall upon the Five and Twenty Day of March, yearly, (unless that shall happen on the first Day of the Week) and then on the Day following, meet at some convenient Place within their County, and there nominate and appoint One, Two or more (as the Case may require) of substantial Inhabitants of the respective Townships, and where Townships are small and Inhabitants few, Two or more, as the Justices think fit, may be joyned together within their County to be Overseers of the Poor of the said Townships, for the Year ensuing.

The Justices of the Peace of respective Counties to appoint Overseers of the Poor how and when.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Overseer or Overseers of the Poor, so nominated and appointed, to make or lay a Rate or Assessment, after the Rate of One Penny per Pound clear Value of the real and personal Estates of all and every the Free-holders and Inhabitants within their respective Townships, to be employed for the Relief of Poor, Indigent and Impotent Persons Inhabiting within the said Township, in such

said Overseers to lay a Rate of 1 d. per Pound.

Manner as by this Act is directed and appointed, and *Four Shillings per Head* on all Free-men not otherwise Rated.

To be allowed by three or more of said Justices. And be it further Enacted by the Authority aforesaid That the said Overseers, before they proceed to the Collecting of the said Rate, shall procure the same to be allowed by Three or more Justices of the Peace of the County wherein the said Tax is made; and if any Person or Persons, so rated or assessed, shall refuse to Pay the Sum or Sums on them charged, that it shall and may be lawful to and for the said Overseer or Overseers (having first obtained a Warrant under the Hands and Seals of Two Justices of the Peace of the County where the said Assessment is made, who are hereby impowered to grant such Warrant) to levy the same on the Goods and Chattles of the Person or Persons so refusing; and in Case such Person shall not within three Days next after such Distress made Pay the Sum or Sums on him assessed, together with the Charge of such Distress, that the said Overseer or Overseers may proceed to the Sale of the Goods distrained, rendring to the Owner the Over-plus (if any) that shall remain on such Sale, reasonable Charges first deducted; and in Case such Person or Persons have no Goods or Chattles whereby they may be distrained, that then it shall be lawful for the said Justices to commit the Offenders to Prison, there to remain without Bail or Mainprize until they have paid the same. *Provided always,* That if any Person or Persons find themselves aggrieved with such Rate or Assessment, that then it shall be lawful for the Justices of the Peace at their next General Quarter-Sessions, upon Petition of the Party, to take such Order therein as to them shall be thought convenient, and the same to conclude, and bind all Parties; and the Overseer or Overseers shall forbear such Distress till the same be determined in the Quarter-Sessions.

How the said Overseers are to proceed in Collecting the same

In Case of Aggrievances to appeal to the said Justices.

The Overseers to be guided by the County Assesment. And be it further Enacted by the Authority aforesaid, That the said Overseers shall lay the said Rate according to the best of their Skill and Judgment, wherein they shall be guided by the County Assessment on other Occasions, having due Regard to every Man's Estate, without Favour or Affection to any.

Father's &c. are obliged to maintain poor, &c. And be it further Enacted by the Authority aforesaid, That the Father and Grand-Father, Mother and Grand-Mother of the Children of every Poor, Old, Blind, Lame and Impotent Person, or other poor Person, not able to work, being of sufficient Ability, shall at their own Charges relieve and maintain every such poor Person, as the Justices of the Peace at their General Quarter-Sessions shall order and direct, on Pain of forfeiting *Forty Shillings* for every Month they shall fail therein.

And

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the said Overseers of the Poor, by the Approbation and Consent of Two or more Justices of the Peace, to set on work the Children of all such, whose Parents shall not be by the said Justices thought able to maintain them, and also to put such Children out Apprentices, for such Term as they in their Discretion shall see meet.

Overseers to set to work poor Children and put them out Apprentices.

And be it further Enacted by the Authority aforesaid. That no Person or Persons shall be admitted or entred into the Poor's Books, or receive Relief from the Overseers of the Poor, before such Person or Persons have procured an Order from two Justices of the Peace for the same; and in Case the said Overseers shall enter into their Books, or relieve any such Poor Person or Persons, without such Orders, they shall Forfeit all such Money or Goods paid or distributed, unless the Justices shall approve and allow them the same, upon making up their Accounts.

No person to receive relief without Order &c.

And be it further Enacted by the Authority aforesaid. That the Justices of the Peace of the said respective Counties, shall at least Ten Days before the Twenty fifth Day of March, Yearly, issue out their Warrants, directed to the Overseers of the Poor of the Respective Townships, within their County, Commanding their said Overseers to appear before them on the said Day, and produce their Accounts of what Money they received and disbursed for the use of the Poor, and also to Return the Names of One, Two or more (as the Place may require) of the sufficient Inhabitants of the respective Townships, to succeed them in that Office for the Year ensuing; and in Case the Overseers shall Neglect to bring in such their Accounts, as also their Names of such sufficient Persons to succeed them in that Office the Year ensuing, such Person or Persons so neglecting, shall serve in that Office one Year longer, or otherwise Forfeit any Sum not exceeding Fifty Pounds, as the said Justices shall think fit and direct. And in Case the Person or Persons approved on and appointed by the said Justices to be Overseers of the Poor of any Township within the respective Counties, shall refuse to take upon him or them the said Office, and to do his or their Duty therein, he or they shall forfeit the Sum of Five Pounds each, which said Forfeitures shall go and be to the Use of the Poor of the Town or Place where such Neglect or Refusal shall be made, and shall be levied by the Constable, by Warrant from any two Justices of the Peace of the said County, under their Hands and Seals on the Goods and Chattles of such Person or Persons so neglecting or refusing, and by the Constable sold within three Days next after such Distress made; and if there happen any Over-plus, upon Sale thereof

Overseers to bring their Accounts yearly and return the Names of 2 or more to succeed them.

Or serve another Year.

Or forfeited &c.

And if any Person so chosen refuse to serve shall forfeit s^l.

And how to be recovered.

thereof, the same shall be paid to the Person or Persons to whom the same shall belong, reasonable Charges first deducted. And if such Person or Persons so neglecting or refusing, as aforesaid, shall not have Goods or Chattles whereby he or they may be distrained, as aforesaid, that then the said Justices may commit the Offender or Offenders to Prison, there to remain without Bail or Mainprize till the said Forfeitures shall be by them fully satisfied and paid.

The Mayor and Aldermen of the City of Philadelphia have the same Power as within &c. as the said Justices.

And be it further Enacted by the Authority aforesaid, That the Mayor and Aldermen of the City of Philadelphia, shall have the same Power and Authority, by Virtue of this Act, within the Limits and Precincts of their Jurisdictions as well out of their Sessions as at their Sessions, as is herein limited, prescribed and appointed to the Justices of the Peace of the County.

CHAP. CXLVII.

An ACT for confirming the Sales of Lands by Attornies or Agents, and for ascertaining the Proof of Instruments or Writings made out of this Province.

WHEREAS divers Persons living out of this Province, are and have been Owners of Lands within the same, and such Persons have usually appointed Attornies to sell and dispose thereof: To the End therefore that those who have so purchased, and their Heirs and Assigns, forever hereafter be secured in their Titles and Estates,

Be it Enacted, &c. That all Sales of Lands Tenements and Hereditaments, formerly made by any Attornies or Agents who have been appointed by any Person or Persons who had Right so to do, and especially giving them Power or Directions therein, to sell or convey Land, are and shall be deemed and adjudged Good and Effectual in Law, to all Intents, Constructions and Purposes whatsoever, as fully as if the said Owners of such Lands had by their own Deeds, Bargains and Sales actually and really sold and conveyed the same; and all and singular the Lands, Tenements and Hereditaments sold and conveyed, as aforesaid, shall be and remain to such Purchasers respectively, their Heirs and Assigns forever, as they were or ought to have been to the Owner or Owners of such Land and Premises, so Employing his or their Attornies or Agents, as aforesaid.

Sales of Lands &c. sold by Attornies shall be Effectual in Law.

And

And be it further Enacted by the Authority aforesaid, That all and every Bonds, Specialties, Letters of Attorney and other Powers in Writing which shall be produced in any Court, or before any Magistrate in this Province, the Execution whereof being proved by Two or more of the Witnesses thereunto, before any Mayor or cheif Magistrate or Officer of the Cities, Towns or Places where such Bonds, Letters of Attorney or other Writings are or shall be made or executed, and accordingly certified under the Common or Publick Seal of the Cities, Towns or Places where the said Bonds, Letters of Attorney or other Writings are so proved respectively, shall be taken and adjudged as sufficient in Law, as if the Witnesses therein named had been present, and such Certification shall be sufficient Evidence to the Court and Jury for the Proof thereof.

Bonds &c. proved by 2 or more Witnesses before any Ma or &c. and Certified under Common or publick Seal &c. sufficient in Law.

And be it further Enacted by the Authority aforesaid, That all Sales or Conveyances of Lands, Tenements or Hereditaments which shall hereafter be made, by Virtue of any Letters or Powers of Attorney or Agency duly executed, which do or shall expressly give Power to sell Lands or other Estates, and be certified to have been proved, as aforesaid, or shall be proved in this Province before any Justice of the Peace, by one or more of the Witnesses thereto, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever, as if the said Constituant or Constituents had by their own Deeds, Bargains and Sales actually and really sold and conveyed the same.

Sales of Lands &c. hereafter to be sold by Power of Attorney proved in this province shall be good.

Provided always, That no Sale of Lands, Tenements and Hereditaments made by Virtue of such Power or Powers of Attorney or Agency, as aforesaid, shall be Good and Effectual, unless such Sale be made and executed while such Power is in Force; and all such Powers shall be accounted, deemed and taken to be in Force until the Attorney or Agent shall have due Notice of a Countermand, Revocation or Death of the Constituant.

If such Sale be made while such Power be in Force.

CHAP CXLVIII.

An additional ACT for the better preserving the High-Ways. See Chap. 55, and Chap. 57.

FOR the better amending, repaired and preserving of the High-Ways now generally spoiled by the extraordinary and unreasonable lading of Waggon and other Car-

No Waggon or
Cart &c to be drawn
by more than 3 Hor-
ses at length.

Carriages, and drawing the same with Horses at length, *Be it Enacted*, &c. That from and after the first Day of *May*, in the Year of our Lord One Thousand Seven Hundred and Six, no travelling Waggon, Wain, Cart or other Sort of Carriage whatsoever, going from, or coming to, the City of *Philadelphia*, between the Rivers of *Delaware* and *Sknylkil*, in the County of *Philadelphia*, wherein any Burdens, Goods or Wares are or shall be carried, shall at any one Time travel, or be drawn, or go in any common or publick High-Way or Road, with above three Horse Beasts at length. And if any Person or Persons shall cause any such Waggon, Wain, Cart or Carriage to be drawn with a greater Number of Horses or Oxen, then and in such Case the Horses or Oxen shall all draw in Pairs, (*That is to say*) Two abreast, for such a Number as they shall Use, except one Horse, any Law, Statute or Usage to the Contrary notwithstanding.

On penalty of
Forty Shillings.

And be it further Enacted by the Authority aforesaid, That every Owner of any Waggon, Cart, Carriage, Horse, Beasts or Oxen, offending Contrary to this Act, being legally convicted before any one Justice of the Peace by Proof of one Credible Witness, or upon View of the Justice himself, shall Forfeit for every such Offence the Sum of *Forty Shillings*, one Half Part thereof to the Surveyor of the High-Ways, where the Offence shall be committed, to be employed in Repair of the said High-Way, and the other Moiety to him that shall discover the same; which Fine shall be levied by the Conftable of such Place or Division, or by any other Officer, by Warrant under the Hand and Seal of such Justice of the Peace, upon the Goods and Chattles of the Person so offending, rendring the Over-plus to the Owner thereof, all necessary Charges in levying the same being first deducted.

Chap. 149. *A Supplementary ACT to that about raising County-Levies.* Supplied, by the 11. Georgii.

CHAP. CL.

An ACT to prevent the Running of Swine at Large.

WHEREAS the Free-holders and Owners of Lands and Plantations within this Province, have received great Damages and Spoyle in their Corn-Fields, Meadows and Out-Lands, by Swine runing at large, without Rings and Yokes: For the Prevention whereof for the Future,

Be

Be it Enacted, &c. That from and after the first Day of the twelfth Month, called *February*, next ensuing the Publication hereof, no Swine shall be suffered to run at large, without Rings and Yokes, under the Penalty of forfeiting Half the Value thereof, to the Use hereafter expressed; therefore if any Person or Persons who shall find on his, her or their Lands, within Fourteen Miles of the Navigable Parts of the River *Delaware*, any Swine, Hog or Hogs, Shoat or Shoats, or Pigs without Rings in their Noles, sufficient to prevent their turning up the Ground, and triangular or Three corner'd Yokes or Bows about their Necks, and to extend at least six Inches from the angular Point or Corner, sufficient to keep them from breaking through Fence, it shall and may be lawful for him, her or them, all such Swine, Hogs, Shoats or Pigs to kill and take, or drive and take away, or cause them to be killed, taken, driven or carried away; and being so taken and carried away, the said Takers shall forth-with acquaint a Justice of the Peace thereof, and being by him legally attested, that the said Swine were taken, as aforesaid, without Yokes or Bows and Rings, the said Justice shall immediately appoint and Order Two indifferent Persons of the Neighbourhood to View and make a just and reasonable Appraisement of all such Swine, Hogs, Shoats or Pigs, and to make Return of their Value, Number and Marks, unto the said Justice of the Peace, as soon as conveniently it may be done, after such Appraisement, one Moiety or Half the Value whereof, shall be Forfeit to the Person or Persons, Owners or Possessors of such Lands where found and taken; and he or they that shall take up such Swine, as aforesaid, shall pay unto the said Justice of the Peace, for the Use of the Owner or Owners of such Swine, the one Moiety or Half Part thereof, and thereupon the Property of all such Swine shall be and remain in the said Owner or Possessor of Land, as aforesaid, to his and their own proper Use forever.

No Swine to run at large without Rings and Yokes, within 14 Miles of Delaware.

On Forfeiture of such Swine.

How to Ass here-in.

And be it further Enacted by the Authority aforesaid, That such Justice of Peace shall make Publication thereof, by a Paper affixed on his House, and on some Tree near the High-Road Side, declaring the Number, Marks and Appraisement of all such Swine, and by whom taken up, to the End that the Owners may have Notice thereof, unto whom the said Justice of the Peace shall pay the other Moiety or Half the Value of such Swine taken and appraised, he first deducting out of the same *Two Shillings* for the Appraisers, and *Two Shillings* for the Justices Clerk, for their Trouble therein. But if it so happen, that the Moiety or Half Part, as appraised, will not pay the said *Four Shillings*, then such Takers up shall pay what shall be wanting thereof.

The Justices of Peace shall make Publication of hogs taken up &c.

Provided

and if no owner appear, in 12 Months &c.

Provided nevertheless, That if no Person appear within twelve Months after Appraisalment, as aforesaid, to Claim the Moiety or Half Part of such Swine, that then the said Justice shall pay what Money he hath received (the Charges, as aforesaid, first deducted) unto the Overseer or Overseers of the Poor of the Township where taken up, for the Use of the Poor of the said Township, and the Owner of such Swine shall be thereupon debarred from any Claim or Right to the same, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

And no Swine to go at large in Philadelphia, &c. on Forfeiture.

And be it further Enacted by the Authority aforesaid, That it shall not be lawful for any Swine, Hogs, Shoats or Pigs to go at large in the Towns of *Philadelphia, Chester or Bristol*, whether yoked or ringed or not; but if any such shall be found running at large after the first Day of the *Twelfth Month* next ensuing, such Swine, Hogs, Shoats or Pigs shall be forfeited, one Half to him or them that shall take up the same, and the other Half to the Use of the Poor of the respective Towns, to be paid to the Overseer or Overseers accordingly, to the Use aforesaid: The said Town of *Bristol* being all the Space contained within half a Mile square from the Mill-Creek up the River *Delaware*.

Chap. 151. *An ACT for Collecting the Arrears of Two Thousand Pounds, granted to the Proprietary.* Expired.

Chap. 152. *An ACT directing the Qualifications of Magistrates and Officers, as also the Manner of giving Evidence.* Repealed.

CHAP. CLIII.

An ACT for regulating Elections of Sheriffs and Coroners.

Free-holders to elect Sheriffs and Coroner for the Respective Counties how and when.

BE it Enacted, &c. That the Free-men and Inhabitants of the City and County of *Philadelphia*, as also of the other Counties of this Province, at the Time and Place of meeting for Electing their Representatives to serve in Assembly, shall or may yearly choose a double Number of Persons, to present to the Governour for Sheriffs and Coroners, in Manner following, (*that is to say*) The Coroner of every County of this Province, or in his Absence, the Persons appointed by the Electors of the said Representatives as Judges of their said Elections, without any other Warrant or Precept, as soon as the Elections of the Members of the Assembly

Assembly is ended, shall by the Consent of the said Freemen and Electors, or the greatest Part of them, cause a double Number of Persons to be chosen for Sheriff, by Majority of Votes, who shall be returned by Indentures between the Coroners, or some other of the said Persons so officiating as Judges of the said other Elections, and Six or more of the Electors, which Persons so elected for Sheriffs, shall present themselves to the Governour within Two Days next after such Elections, and if the Governour will not on or before the Third Day after such presentment, Commissionate one of them so chosen and presented to him, the first Person named in the Return shall, by Virtue of this Act, stand and serve in the Office of Sheriff for one Year next after such Election, if he so long behave himself well, without any further or other Commission.

And a double Number being chosen shall present themselves to the Governour.

Who shall nominate One, on or before the third Day, or the first named shall stand.

But in Case the Persons elected for Sheriffs shall refuse to accept of the Office, or if after any Sheriff doth accept, he shall be convicted for Misbehaviour in his Office, or shall depart this Life before the End of the Term for which he is or shall be chosen, then another sufficient Person shall be commissioned by the Governour, from Time to Time, to supply the Place of such as shall so refuse, misbehave himself or be deceased, as aforesaid, who shall act and continue in the Office of Sheriff to the End of the said Terme of one Year, from the Time he was commissioned, or until another be, as aforesaid, chosen in his stead.

In Case of Refusal, Misbehaviour, &c. the Governour shall commissionate, &c.

And that the Sheriff of every County of this Province, or such other Person as shall be concerned to officiate as Judges of the said Election of Representatives, as soon as the Elections of the said Representatives and Sheriffs are ended, shall, in Manner aforesaid, cause a double Number of Persons to be chosen for Coroners, who shall be returned and presented to the Governour within two Days after such Elections, and if the Governour will not Commissionate one of them so presented, the first named in the Return, shall, by Virtue of this Act, stand and serve in the Office of Coroner, for one Year next after such Election, if he so long behave himself well, without any further or other Commission: But in Case the Persons so elected for Coroner, refuse to accept of the Office, or if the Coroner accepting shall be convicted of official Misbehaviour, or be deceased before the End of the Term for which he is or shall be chosen, then another sufficient Person shall be commissioned by the Governour, from Time to Time, to supply those Defects, in Manner aforesaid.

A double Number shall be chose for Coroners, &c.

And present themselves, &c.

*If the Free holders
Neglect to chuse, the
said Sheriff or Coroner
shall stand.*

But if the Free-men or Electors aforesaid, shall at any Time neglect or decline to chuse Persons for either or both the said Offices, then the Persons that are or shall be in the respective Offices of Sheriff and Coroner, at the Time of the said Elections, shall remain therein until they shall be respectively removed by another Election, to be made in Manner aforesaid.

*The Sheriff shall
give Security.*

viz.

*How the said Bonds
shall be taken, &c.
and sued.*

*Provided always, That before any Sheriff shall receive his Commission, or exercise any Part of his said Office, he shall by himself or his Deputy put in sufficient Sureties into the Office of the Master of the Rolls of this Province, and there shall enter into Bond or Obligation, to wit, The Sheriff of the City and County of Philadelphia, in the Sum of Six Hundred Pounds current Money of Pennsylvania, the Sheriff of the County of Bucks, in the Sum of Two Hundred Pounds Money aforesaid, and the Sheriff of the County of Chester, in the Sum of Two Hundred Pounds, of like Money: Upon Condition, That he will well and faithfully perform his Duty and Trust in the said Office of Sheriff, according to the Tenor of the Affirmation which he shall make for the due Execution of his Office. And that all the Bonds so to be given for Security, as aforesaid, shall be taken in the Queen's Name and entered upon Record in the Master of the Rolls-Office aforesaid, but are hereby declared to be only in Trust to and for the Use of the Person or Persons concerned; and that when any of the said Bonds shall be put in Suit, and Judgment thereon obtained, the Judgment shall remain in the same Nature the Bonds were; and that no Execution shall issue out thereupon before the Person or Persons grieved shall by *Scire facis*, or other Process, Summon the Person or Persons against whom the Judgment aforesaid is obtained, to appear and shew Cause why Execution should not issue upon the said Judgment. And if the Plaintiff in the *Scire facis* shall prove what Damage he hath sustained, and thereupon a Verdict be found for him, the Justices in such Cases shall award Execution for so much as the Jury shall then find, and no more; and the former Judgment is hereby declared still to remain cautionary for the Satisfaction of such other Person or Persons as shall legally prove themselves damnified, and recover their Damages, as aforesaid, by due Course of Law:*

*Every Sheriff and
Coroner shall make
and subscribe the De-
clarations and profes-
sions, &c*

And moreover, no Sheriff or Coroner whatsoever shall enter upon or exercise any Part of their said respective Offices until they shall respectively make and subscribe the Declarations and Profession of their *Christian Belief* in the Act, Entitled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, mentioned and required to be taken by Members of Assembly, and the solemn Affirma-
tions

tions and Declarations for the due Execution of their respective Offices, in Manner and Form as Sheriffs and Coroners by a Law of this Province, Entituled, *An Act directing the Attests of Officers, &c.* are respectively required to take. All which Declarations, Tests and Affirmations shall be made, subscribed and taken before the Governour in chief, or Deputy, for the Time being, or in open Quarter-Sessions, or before any Two Justices of the Peace out of Sessions, in the respective Counties where there may be Occasion to take the same. And the same Declarations, Tests and Affirmations, so made and taken out of Sessions, shall be by the Justices delivered into Court, and the Clerk of such Sessions, is hereby required to Record the same, as also those taken in Court, in Rolls or Books prepared for that Purpose.

Before the Governour in Quarter-Sessions &c.

And be it further Enacted by the Authority aforesaid, That the Sheriff and Coroner of the County of Philadelphia, shall be Sheriff and Coroner of the said City; and the Sheriff of the City and County of Philadelphia, for the Time being, shall be Water-Bailiff, and may execute and perform all Things belonging to the Office of Water-Bailiff upon Delaware-River, and all other navigable Rivers and Creeks within this Province; and shall reside within the City of Philadelphia, aforesaid.

Sheriff of the County of Philadelphia, shall be Sheriff of the said City and Water-Bailiff throughout this Province.

Provided also, and it is hereby declared, That no Elections shall be made for any Sheriff or Coroner before the Time limited for those who are at present in those Offices respectively shall be expired.

Chap. 154. *An ACT for the better Proportioning the Rates of Money in Payments made upon Contracts, according to the former Regulation.* Repealed.

Chap. 155, *An ACT for selling the old Court-House and building a new Court-House and Prison in the County of Bucks.* Obsolete.

Chap. 156. *An ACT for raising a Supply of Two Pence Half Penny per Pound, and Ten Shillings per Head, also for granting an Impost and laying an Excise on sundry Liquors and Negroes imported into this Province, for Support of Government and defraying the necessary publick Charges in the Administration thereof.* Expired.

AT a General Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Seventh Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great-Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Eight; and continued by Adjournments, the following Acts were passed by *Charles Gookin*, Esq; Lieutenant Governour under *William Penn*, Esq; absolute Proprietary and Governour in chief of the said Province of *Pennsylvania*, &c. That is to say,

Chap. 157. *An ACT for ascertaining the Rates of Money for Payment of Debts, and preventing Exactions on Contracts and Bargains made before the first Day of May, in this present Year, One Thousand Seven Hundred and Nine. Repealed.*

CHAP. CLVIII.

An ACT for the better enabling divers Inhabitants of the Province of Pennsylvania, to hold and enjoy Lands, Tenements and Plantations, in the said Province. Confirmed by the Queen in Council, February 20, Anno 1713.

WHEREAS by the Royal Charter to the Proprietary for this Province, Licence is granted to all such as are not specially forbidden to Transport them selves and Families unto the said Province, in such Shipping, as, by the Laws, of *England*, they ought to use, and fitting Provision, paying only the Customs therefore due, and here to settle themselves, dwell and inhabit, and plant for
the

the Publick and their own private Advantage. And by the same Charter the said Proprietary has full and absolute Power to alien, grant or enfeoff such Parts and Parcels of this Country, as he should think fit, to him or them that should be willing to purchase the same, *To hold in Fee-simple*, or otherwise, with Licence, Authority and Power to take the Premises, so purchased of the said Proprietary, hold the same to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, as to him the said Proprietary should seem expedient, as by the said Royal Charter more fully appears.

Preamble.

And whereas, divers of the Protestant or reformed Religion, who were Inhabitants of High and Low Germany, above five and Twenty Years ago (out of a Desire to come under the Power and Protection of the Crown of England, and partake of the Advantages proposed for the Encouragement of the Adventurers to settle in this new Colony) imbraced the Invitations they had from the said Proprietary, to transport themselves and Estates here, and since they came, did contribute the utmost of their Power, to enlarge this Part of the *English* Empire, and always behaved themselves as dutiful and peaceable Subjects, and several of them have made and subscribed the Declarations and Test by Law appointed instead of the Oaths of Supremacy; the rest are ready and willing to do it when they are required or admitted so to do.

Now forasmuch as the Value of Lands in this Province, being generally but the Effect of the Peoples Labour, their Plantations are deemed by our Laws, but as Chattles to pay Debts, and Strangers have been rendred capable to hold what they purchased, as fully and freely as if they had been natural Born Subjects of this Province; but since the Repeal of the late Laws, made after the Example of other Governments for Encoragement of the Peopling and Settling of this Colony, some Doubts and Questions have arisen, whether the said *Germans* are capable to hold what they purchased, as afore; for Removing of which Doubts,

Be it Enacted by Charles Gookin, Esq; by the Queen's Royal Approbation, Lieutenant Governour under William Penn, Esq; Proprietor and Governour in chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in general Assembly met, and by the Authority of the same, That Francis Daniel Pastorius, John Jawert, Casper Hoodt, Dennis Kunders and his Three Sons, Cunrad Cunrads, Matthis Cunrads and John Cunrads, Dirk Keyser and his Son Peter Keyser, John Lucken, William Strepers, Abraham Tunes, Lenart Arrets, Remer Tysen, John Lenjon, Isaac Dilbeck and his Son Jacobus Dilbeck, John Doeden, Cornelius

The Names of the
Persons naturalized
by this Act.

Cornelius Siorts, Henry Sellen, Walter Simons, Dirk Jansen, Jun. Richard Vander Werf and his Son John Roeloffs Vander Werf, John Strepers, Sen. Peter Shoemaker, Jacob Shoemaker, George Shoemaker, Isaac Shoemaker, Matthis van Bebber, Cornelius vander Geage, Peter Clever, George Gottshick, Paul Engell and his Son Jacob Engell, Hans Neus, Remier vander Sluys and his Son Adrian vander Sluys, Jacob Gaetshalek Vander Heggen and his Son Gaetshalek Vander Heggen, Casper Klemboof, Henry Bucholtz, Hermon Tuyen, Paul Klunpiges and his Son John Klunpiges, John News and his Sons Matthis News and Cornelius News, Claus Ruttinghuyzen, Casper Stalls, Henry Tubben, William Hendricks, and his Sons Hendrick Hendricks and Lawrence Hendricks, Henry Kestlebery, Johannes Rebenstock, Peter Verbynen, John Henry Kirsten, John Radwitzer, John Courads Sen. John Gorgages, Senwes Bartells and his Son Henry Bartells, John Krey and his Son William Krey, Conrad Jansen, Claas Jansen and his Son John Jansen, William Jansen, Evert In Hoff and his Sons Gerhard In Hoff, Herman In Hoff and Peter In Hoff, Peter Jansen, John Smith, Thomas Eckleswick, Johannes Scholl, Peter Scholl, Gabriel Schuler, William Putts and Matthis Tyfen, all of the County of Philadelphia; and Johannes Bleikers, of the County of Bucks, in the said Province of Pennsylvania, and every of them, who shall within six Months after the first Day of September, One Thousand Seven Hundred and Nine, at some Court of Quarter-Sessions of the Peace, for the County of Philadelphia, between the Hours of Nine and Twelve in the Fore-noon, make and subscribe the Declarations and Profession of Faith, allowed to those that cannot Swear, instead of Oaths of Supremacy and Allegiance; or shall otherwise qualify themselves as the Court shall require and the Law directs in such Cases, (The taking of which Qualifications, and the Making and Subscribing of the said Declarations and Professions, shall be entred on Record in the same Court; for the doing whereof, One Shilling shall be paid to the Clerk, and no more) all and every such Persons shall be enabled, and are, and every of them are hereby enabled and adjudged able and Capable to all Intents, Constructions and Purposes whatsoever, as well to demand, ask, have, hold and enjoy any Lands, Tenements, Plantations, Rents and Hereditaments in this Province, to which they or any of them may or might in any wise be entituled, as if they were free and natural born Subjects and People of this Province; as also, That they and every of them shall and may be enabled to maintain, prosecute, avow, justify and defend all, and all Manner of Actions, Suits, Pleas, Complaints and other Demands whatsoever, in the said Province, as freely and fully, lawfully and securely, as if they and every of them had been natural born Subjects and People of the same, or any other Person or Persons born within this Province may lawfully do, any Law or Usage to the Contrary notwithstanding. A T

AT a General - Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the ninth Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great - Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Ten, and continued by Adjournments, to the Twenty eighth of *February*, on which Day the following Acts were passed by *Charles Gookin*, Esq; Lieutenant Governour under *William Penn*, Esq; absolute Proprietary and Governour in chief of the said Province of *Pennsylvania*, &c. That is to say.

Chap. 159. *An ACT for Establishing Courts of Judicature in this Province.* Repealed.

Chap. 160. *An ACT for Regulating and Establishing Fees.* Repealed.

Chap. 161. *An ACT for the Acknowledging and Recording of Deeds.* Repealed.

Chap. 162 *An ACT Directing an Affirmation to such who for Conscience sake cannot take an Oath.* Repealed.

CHAP. CLXIII.

An ACT that no Publick-House or Inn with in this Province be keep without Licence.

FOR preventing of Disorders and Mischiefs that may happen by Multiplicity of Publick-Houses of Entertainment, Be it Enacted by *Charles Gookin*, Esq; by the Queen's Royal Approbation Lieut. Governour under *William Penn*, Esq; True and absolute Proprietary and Governour in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That no Person or Persons

what-

No Person to keep
a Publick House, &c.
without recommen-
dation to the Govern-
our for Licence. On
Penalty of 5^l. nor
suffer Disorder, &c.
under Penalty of 40^s.

whatsoever within this Province shall hereafter have or keep any Publick Inn, Tavern, Ale-House, Tippling-House or Dram-Shop, Victualling-house or Publick-house of Entertainment in any County of this Province, or in the City of *Philadelphia*, unless such Person or Persons shall first be recommended by the Justices in the respective County Courts, and the said City in their Quarter-Sessions or Court of Record for the said Counties and City respectively, to the Lieut. Governour, for the Time being, for his Licence for so doing, under the Penalty of *Five Pounds*; and that no Person so Licensed, as aforesaid, shall knowingly suffer any Disorder, as Drunkenness or unlawful Games whatsoever, in such his, her or their Houses, under the Penalty of *Forty Shillings* for the first Offence; and for the second Offence to be suppressed by the said Justices of the respective Courts; and that no such Inn-keeper, Taverner, or other Person, as aforesaid, shall presume to continue such Publick-House of Entertainment, of his own Accord, after such Suppression, or the Expiration of his Licence, without new Licence, as aforesaid, under the Penalty of *Five Pounds*, one Half thereof to the Governour, for the Time being, towards the Support of this Government, and the other Half to the Use of the Poor of the respective Township or City where the Offence shall be committed.

City of *Philadel-
phia* to have all Fines
&c.

Provided always, That nothing herein contained shall extend to debar or hinder the Magistrates of the City of *Philadelphia* to claim, have and enjoy all such Fines, Penalties and Forfeitures, as shall be due or forfeited in the Quarter-Sessions or Court of Record to be held for the said City, which are granted them by Charter.

Inn-keepers to keep
good Entertainment,
&c.

And be it further Enacted by the Authority aforesaid. That all such Inn-keepers, as aforesaid, shall keep good Entertainment for Man and Horse, under the Penalty of Forfeiting *Forty Shillings*, for the Use aforesaid.

The Governour to
have 3^l. for Licence,
&c. in *Philadelphia*,
and 40^s. in other
Towns, and 30^s. else-
where.

And be it further Enacted by the Authority aforesaid: That the Governour shall have and receive for every Licence to be granted by him, pursuant to this Act, to any Person to sell Wine and other Liquors in the City of *Philadelphia*, *Three Pounds*, and to sell all other Liquors in the said City (except Wine) the Sum of *Forty Shillings*. And for every Licence to any Person to sell Wine, and other Liquors, in the Towns of *New-Bristol*, *Franckford*, *German-Town*, *Darby*, *Chester* and *Chichester*, the Sum of *Forty Shillings*. And for every Licence to sell Wine and other Liquors in any other Part of this Province, the Sum of *Thirty Shillings*, and no more. And the Secretary shall have for drawing such Licence, with the Seal, *Six Shilling*, and no more.

Chap.

Chap. 164. *An ACT of Priviledges to a Free-Man, &c.*
Repealed.

Chap. 165. *An ACT against Riotous Sports, Plays and Games.*
Repealed.

CHAP. CLXVI.

*An ACT to prevent Disputes which may
hereafter arise about the Dates of Convey-
ances, and other Instruments and Writings.*

WHEREAS the Generality of the Inhabitants of this Province do Conscientiously scruple to call the Names of the Months as they are usually called, but the Month which others call *March*, they call the *First Month*, and the Month commonly called *April*, the *second Month*, and so of the rest of the Months of the Year; and the Dates of many Deeds, Conveyances and other Writings, as well as the Times of Payment of Money, are accordingly mentioned and expressed. Now for as much as Disputes and Controversies may hereafter arise concerning the Premises. *Be it therefore Enacted, &c.* That all Deeds, Conveyances, Mortgages, Letters of Attorney, or Powers of Agency, Commissions, Bonds, Bills, Charter-Parties, Leases, Releases, Contracts, Articles, Receipts, and all other Instruments and Writings whatsoever, wherein the Names of the Months are called, *First, Second Thrd, Fourth*, instead of *March, April May June*, and so of the rest, always accounting the Month called *March* to be the *First Month* of the Year, shall and are hereby Enacted and declared to be as good and available and may be pleaded, and shall be deemed, adjudged and taken in all Courts of Judicature, and elsewhere, within this Province, to be as Valid and Effectual in Law, to all Intents, Constructions and Purposes, as if the Months in such Writings had been set down and expressed by their usual Names, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

*The Names of
the Months distin-
guished by 1st 2d.
and 3 d. &c. to be
good and Effectual
in Law.*

- Chap. 167. *An ACT for Priority of Payment of Debts to the Inhabitants of this Province.* Repealed.
- Chap. 168. *An ACT for the better Improving a good Correspondence with the Indians.* Expired, 28 February, 1723.
- Chap. 169. *An ACT for Regulating of Party Walls and Buildings in Philadelphia.* Repealed.
- Chap. 170. *An ACT empowering Commissioners to compel the Collecting of all Arrearages of former Taxes.* Expired.
- Chap. 171. *An ACT for raising a supply of Two Pence per Pound and Eight Shillings per Head.* Expired.
- Chap. 172. *An ACT for laying a Duty on Negroes, Wine, Rum and other Spirits, Syder and Vessels.* Repealed and Expired.

An *ACT* past in the Tenth Year of Her Majesty's Reign, in *August*, One Thousand Seven Hundred and Eleven.

CHAP CLXXIII.

An ACT for raising Two Thousand Pounds for the Queen's Use, by a Tax of five Pence Half-penny per Pound, and Twenty Shillings per Head. Supply'd by another Act past the 27th of March, One Thousand Seven Hundred and Thirteen. Confirmed by the Queen.

AT a General Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fifteenth Day of *October*, in the Tenth Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great Britain*, &c. *Annoq; Domini*, 1711. and continued by Adjournments, to the Seventh of *June*, 1712. On which day the following Acts were passed by *Charles Gookin*, Esq; Lieut. Governour under *William Penn*, Esq; absolute Proprietary and Governour in chief of the said Province of *Pennsylvania*, &c. That is to say,

Chap. 174. *An ACT confirming Patents and Grants.* Repealed.

CHAP. CLXXV.

An ACT for the better ascertaining the Publick Debts, and Collecting the Arrears of County Levies.

WHEREAS several Acts of Assembly have been made, directing the Manner of allowing publick Debts, and for raising of County-Levies in this Province, by Virtue whereof divers Sums have been paid, but Complaint is made, that a great Part either remains ungathered, or is detained by the Collectors, Receivers or Treasurers, especially in the County of *Philadelphia*, and great Part of the County Debts not being duly allowed, remain still unpaid.

Be it therefore Enacted, by Charles Gookin, Esq; by the Queen's Royal Approbation, Lieutenant Governour under William Penn, Esq; Proprietor and Governour in chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in general Assembly met, and by the Authority of the same, That where Debts are due from the respective Counties of this Province, and City of Philadelphia, to any Person or Persons for their Service in Assembly,

Members of Assembly Service how to be certified and paid.

they shall not hereafter be obliged to exhibit the Notes or Certificates of their Service, to be allowed by the Justices, Grand-Jury and Assessors, as heretofore has been used, but shall or may produce to the respective Treasurers of the County or City for which they served, their Notes or Certificates signed by the Speaker of the Assembly, by Order of the House, shewing the Number of Days they served on every Assembly; all which said Notes or Certificates, and all other Notes and Accounts heretofore exhibited, as the said Acts direct, whether allowed or not, if noted by the Clerk of the respective County-Court, shall be paid by the said Counties and City, which being forthwith entred by the said respective Treasurers, in a Book, which by the said Act for raising County-Levies, they are obliged to keep, and when the said Notes or Orders are so entred, the Treasurers are hereby required to Indorse the said Entry on the back-side of all such Notes, and deliver the same to the Owners thereof, or their Order.

And be it further Enacted by the Authority aforesaid, That where any Person or Persons, to whom Money is or shall be due, either for Service in Assembly, or for Money laid out for destroying Wolves, or other publick Service, or Disbursements formerly exhibited, as aforesaid, or hereafter to be exhibited, and allowed a County or City Charge, and indorsed, as aforesaid, have been or shall be assessed or rated in County or City Levies, they shall not be liable to pay the Collector of such Assessments, but the said Collectors in such Cases, are hereby required to Default of Discount with such Creditors, their respective Assessments, and take their Notes upon the said Treasurer, who is hereby obliged to accept the same, as ready Money, for so much of the Debt or Sum due as shall be so defaulted; and in Case such Debt surmount the Assessment, and the Overplus be not paid by the Treasurer, as the said Acts direct, the like Course shall be taken by the Collector of the next Assessment, and so successively until the whole be fully paid, which Note shall be delivered to the respective Treasurer, together with the Money or species to be collected within the Time limited to bring in the said Assessment; and that all Warrants and Orders which have been or shall be granted to make Distress for Non-payment of County or City-Levies, shall not be executed upon any of the said Creditors; but if any Collector, or other Person or Persons, by this or the said former Acts appointed to allow, in Discount, the said publick Debts, shall refuse or neglect the doing thereof, or shall presume to make Distress for the same, Contrary to the true Meaning of this Act, shall forfeit and pay the Sum of *Twenty Pounds* for one Offence, the one Half thereof to the Party grieved, and the other Half to the Governour, to be recovered by Action of Debt, Bill, Plaint or Information in any

Any Person which have Money due from any County, or City of Philadelphia, may Discount with the said Collector, &c.

And how the same shall be done.

Penalty of the Collector's refusing to Discount &c.

any Court of Record in this Province, where no Effoyn, Protection or Wager of Law, and but one Imparlance shall be allowed.

And be it further Enacted by the Authority aforesaid, That any Two or more of the Assessors of the respective Counties, where the said Levies are in Arrear, shall issue forth their Warrants to such Collectors as they shall appoint, requiring them to Levy all such Monies formerly assessed, as shall appear to the said Assessors not to have been already paid; and the said respective Assessors, for the Time being, are hereby required to assess all and every Persons and Estates within their Districts, which ought to have been and were not formerly assessed, according to the true Intent of the said Acts; all which Money, so assessed, shall be Collected as County-Levies are or ought to be Collected by Virtue of the said Acts; and if any Person or Persons will not pay the said Sums formerly assessed, or to be assessed, as aforesaid, after Demand thereof made, the same shall be levied by Distress and Sale of Goods or Imprisonment of the Offenders Bodies, as the said Acts directs in such Cases.

Vide County Levies Act 12th of Georgij.

*And be it further Enacted by the Authority aforesaid, That if any such Collector, or any other Collector or Collectors of County or City Levies for the Time being, shall refuse or neglect to pay unto the respective Treasurers the several Sums assessed, or to be assessed, by Virtue of this Act, or of the said Acts for raising County-Levies, and mentioned in the Duplicates to them to be Delivered, from Time to Time according as the said Assessors shall order or appoint; upon Complaint and Proof made by any of the said Treasurers (who are hereby required, in Case of such Neglect or Refusal, to make Complaint accordingly) before any One or more of the Justices or Magistrates of the County or City where such Complaint is made, shall be fined in the Sum of *Five Pounds*, whereupon the said Justices or Magistrates are hereby impowered and required in such Case to issue Warrants, under their Hands and Seals; to the respective Sheriff where such Offence is, requiring him, forthwith, to Levy the said Fine, together with the whole and every of the Sums assessed and mentioned in the said Duplicates, or so much thereof as shall remain unpaid to the said Treasurers respectively, by Distress and Sale of such Collectors Goods and Chattles; and if Goods and Chattles of such Collector, (sufficient to satisfy the said Fine and Sums so unpaid, with reasonable Charges of Distress and Sale) cannot be found, then to take the Body of such Collector, and him safely keep in Prison until he shall satisfy the same; and every Sheriff to whom such Warrant is directed, is hereby required to execute the same according to the Tenor thereof; and every Warrant issued forth, in Pursuance of this Act, impowering to make Distress, or take the Body of any Person, shall extend and be in Force against any Person fined*

Vide the same Act.

or affixed, as aforesaid, wheresoever found in any Part of this Province; and upon such Distress and Sale of Goods, the Over-plus (if any) shall be returned to the Owner, all necessary Charges being first deducted.

Collector may at any Time after the Assessments ought to be collected distrain on any Person for Part or the whole.

And such Collector distrained on or imprisoned respectively in Order to reimburse himself, shall by Virtue of this Act, without any further or other Warrant, have Power to collect and distrain, in Manner aforesaid, to his own Use, from any Person or Persons, for the whole, or so much as shall remain unpaid of such Persons Assent, as shall have refused or neglected to pay the same within the Time limited by the said Magistrates and Assessors, by Virtue of this Act (it being first by such Collector duly demanded.) And the Sheriff shall deliver to the said Treasurers respectively, all such Sums as by Virtue of this Act he shall be obliged to demand, receive or distrain from any such refusing or negligent Collector, within Twenty Days after the Receipt of such Warrant to him directed; and the respective Treasurer's Receipt shall be a sufficient Discharge to any such Sheriff.

Provided always, That all such Collectors or Receivers as have accounted with the respective Treasures of the said former Levies, for any Sum or Sums of Money that were received and paid by Virtue of the said Acts, and have or ought to have their Discharges from such Treasurer, shall not be accountable for any of the Sums so accounted for, as aforesaid.

CHAP. CLXXVI.

An ACT for raising Money on the Inhabitants of the City of Philadelphia, for the publick Use and Benefit thereof.

WHEREAS there is a great Occasion of a publick Stock to pay the just Debts, and defray the necessary Charges of the said City, for building a Workhouse of Correction, Building and Repairing Free-Wharfs and Bridges, Pitching, Paving and Regulating the Highway, Streets and Water Courses, making and erecting new and convenient Stalls and-Shambles to accommodate Butchers, and all others that bring Goods to sell in the said City: And forasmuch as the incorporating the said City hath so far limited the Magistracy of the County of *Philadelphia*, that

that the Laws for raising of County-Levies cannot, without the Help of this Act, be so aptly and effectually put in Execution within the said City as before, and the Rule and Government of the said City requiring a Charge, which may not so immediatly concern the rest of the County,

Be it therefore Enacted, &c. That from henceforth the Inhabitants and Free-holders of the said City of Philadelphia, who are qualified by the Laws of this Province to elect or be elected Members of Assembly, at the Time and Place by Law appointed, or to be appointed for electing their Representatives to serve in Assembly, or the Day following, unless it happen on the first Day, and then on the Day next ensuing, shall or may choose Six of the said Inhabitants and Free-holders to be the Assessors of the said City, and when so chosen the Sheriff of the said City shall take their Names in Writing under the Hands and Seals of at least Six or more of the said Inhabitants and Free-holders, and Return or certify the same to the Mayor, Recorder and Aldermen of the said City, for the Time being, at their General-Sessions of the Peace next after such Election.

The Free-holders of Philadelphia, do Choose Six Assessors &c.

And be it further Enacted by the Authority aforesaid, That the Mayor, Recorder and Aldermen of the said City, at their General-Sessions of the Peace to be held in the Month called April, yearly, or oftner if Occasion be, with the Assistance of the said Assessors, for the Time being, or any Four of them, shall calculate the publick Debts and Charges of the City, allowing all just Dues and Demands, wherewith the Persons and Estates within the said City are or may be chargeable, from Time to Time, as also shall calculate what Sum or Sums of Money may be needful and necessary to be raised upon the Persons and Estates aforesaid, from Time to Time, for the Building, Repairing, Regulating or Amending of any Houses, Bridges, Wharfs, Water-Courtes, or other Uses, for the publick Service and Benefit of the said City, and shall also agree and settle, from Time to Time, as Occasion may require, what Sum or Sums of Money, or other Effects, shall be applied to the Service of every particular Matter or Thing, which they, or the major Part of the said Magistrates, with any Four of the said Assessors shall agree on to be necessary to be raised for the Year ensuing: Which said respective Sums, with the particular Uses thereunto, they shall be agreed on to be appropriated, as aforesaid, shall be entred in a Book, to be kept for that Purpose by the Clerk of the Peace of the said City, who is hereby obliged to make such Entry, from Time to Time, for which he shall be allowed what the said Magistrates and

The Mayor Recorder and Aldermen with the Assessors shall calculate the publick Debts &c. and what Monies is necessary &c.

*And then in Six
Weeks after lay it
Rate, &c.*

and Assessors shall think reasonable; and that the said Assessors shall within six Weeks after every such Calculation, make or lay a Rate or Assessment upon them selves, and all other Persons and Estates, aforesaid, to and for the aforesaid Uses, by Poll and Pound Rate according to the Manner and Method now used in making Assessments in this Province for raising of County-Levies.

*The Constables to
bring in the Returns*

And be it further Enacted by the Authority aforesaid, That the Constables of the said City shall bring in Returns, in writing, to the said Assessors within five Days after Notice given them, of the Names and Estates of all Persons within their Wards, for which they shall be allowed *Two Pence per Pound*, upon every Sum assessed in their said respective Wards, which Assessment being equally and impartially laid and sign'd by at least Four of the said Assessors, shall be allowed and confirm'd by the said Mayor, Recorder and any two of the Aldermen, for the Time being, under their Hands and Seals, and shall be paid by every Person and Estate so assessed, upon Demand made thereof, by the Collectors, who shall by the said Assessors, or in Case they Neglect, then by the said Mayor, Recorder and Aldermen be appointed, to gather the same, and in Case of Refusal or Neglect shall, by Warrant under the Hands and Seals of any Three or more of the said City Magistrates, be levied by Distress and Sale of the Goods of every Person so assessed, and not paying the same within fourteen Days after Demand, rendering the Over-plus of the Value of the Goods so distrained, to the Owner and Owners thereof, deducting the Charge of such Distress; but for want of Distress the said Assessments to be levied by Imprisonment of the Person so refusing or neglecting to pay, as aforesaid.

*Their Allowance
and the Assessment
to be allowed by the
Mayor &c.*

*Vide County Levy
Act.*

Provided always, That no such Assessment or Assessments to be made in any one Year, shall exceed the Value of *Two Pence* in the Pound of the clear Value of the Lands, Tenements, Hereditaments and personal Estate, so assessed, and *four Shillings per Head*, in Proportion to *One Penny per Pound* Tax on all single Men, Inhabitants of the said City, not otherwise rated by this Act.

Provided also, That those who are not rateable or liable to be taxed for Relief of the Poor, within the said City, shall not be rated or assessed by this Act.

And be it further Enacted by the Authority aforesaid: That the said Assessors shall appoint a Treasurer in the said City, who shall keep a distinct Book, containing a particular Account

count of all the Rates and Assessments made, as aforesaid; as also all Disbursements and Payments, which he shall make by Order of the Mayor, Recorder and any Four of the said City Magistrates, whose Order to the said Treasurer, from Time to Time, shall be sufficient for the Payment of such Monies as shall come into his Hands from the said Collectors.

The Assessors are to appoint a Treasurer

His Duty.

And be it further Enacted by the Authority aforesaid. That the said Treasurer shall on the Twenty fifth Day of the Month called *March*, yearly, or oftner if Occasion be, bring in his Accounts, and settle and make them up before the said Magistrates and Assessors, or such as they shall appoint; at the Auditing of which Accounts, all or any of the said Inhabitants and Freeholders, that are willing, may be present. And the said Treasurer shall have for his Trouble therein, as much as the said Magistrates and Assessors shall agree to allow him; and the said Assessors shall be allowed *Three Pence per Pound* for all the Sums levied, any to be collected by Virtue of this Act.

And shall yearly adjust his Accounts.

The Treasurer's & Assessors Allowance.

And be it further Enacted by the Authority aforesaid, That the Money and Effects gathered and received be the said Collectors, within their respective limmits, by Virtue of this Act, shall, from Time to Time, be duly paid to the said Treasurer or Treasurers, whose Receipts shall be the Collector's sufficient Discharges.

Collectors shall pay to the Treasurer, &c.

Provided always, That the said Collectors shall forthwith, after every such Assessment made, as aforesaid, give Notice to the said Free-holders and Inhabitants of the said City, or in their Absence, to some or one of their Families or Neighbours, of the respective Sums they are rated, and acquaint them with the Day and Place of Appeal, in Case they shall be agrieved with such Assessment, which said Day of Appeal shall be at some convenient Place in the said City, to be appointed by the Assessors that laid the said Tax, the same Day four Weeks after the said Assessment is laid; and the said Assessors shall have due Regard to all such Appeals, and thereupon to abate or increase the said Assessment, according as the Appellants shall appear to be worth, either up their own Attest or Proof of others.

And give Notice to the Free-holders of the Day of appeal &c.

And how then.

And be it further Enacted by the Authority aforesaid, That from and immediately after the said Appeals have been heard and considered, as aforesaid, it shall and may be lawful to and for the said Collectors to proceed in Collecting and Levying the said Rates and Assessments, for the Collecting whereof

And after the Day
of Appeal, the Choice
shall be made to levy
the said Rates.

Their Allowance.

And the Penalty
for Refusal or Neglect

whereof they shall retain and keep in their Hands, *Six Pence* in the *Pound*, of all such Money as they shall so collect, and no more; and if the said Collectors, or any of them shall refuse or neglect to collect the said Assessments, respectively, or any Part thereof, and pay the same unto the Treasurer, within Three Months after the said Appeals have been heard and considered, as aforesaid, every such Collector so refusing or neglecting, shall forfeit and pay to the said Treasurer, for the Use of the said City, the Sum of *Five Pounds*, and shall also pay all the Arrearages of such Assessments which he was appointed to collect, which shall be levied by a Warrant under the Hand of the Mayor, for the Time being, and Seal of the said City, directed to the Sheriff, who is hereby empowered and obliged to execute such Warrant upon the Goods and Chattles, of the Party so offending; and in Case Goods and Chattles, sufficient to make Satisfaction, cannot be found, then to Imprison such Offender until Payment made, and every Collector being so distrained on, and having made full Satisfaction, as aforesaid, is hereby empowered, without any other Warrant, to distrain, for his own Use, upon all such as shall refuse or neglect to pay the said Arrearages.

Upon Neglect of
choosing Assessors the
Mayor Recorder and
Aldermen with the
Grand Inquest shall
Act.

And be it further Enacted by the Authority aforesaid, That if at any Time the Inhabitants and Free-holders of the said City shall Neglect to choose Assessors, as aforesaid, or if when chosen, they do not attend their Service, as above directed, then the Mayor, Recorder and Aldermen of the said City, for the Time being, together with the Grand-Inquest of the said City, may and shall perform the respective Offices and Duties of the said Assessors, as fully and amply as they might or could do by Virtue of this Act.

The Inhabitants of
Philadelphia, to be
rated in Proportion
with the County on
County Taxes.

Provided always, That nothing herein contained shall exempt the Inhabitants of the said City from being rated or assessed, in Proportion with the Inhabitants of the County of *Philadelphia*, to pay what is or shall be due for making and repairing of Bridges in the Queen's High-Road, over any Rivers or Water where the Tide flows, within the said County, or from paying their Proportion of Assembly-Men's Wages due or to be due from the Inhabitants of the said County from Time to Time, over and besides their paying the Two Members of Assembly chosen to represent the said City; or from paying for the Moiety of the Arrearages now due for Wolves Heads, wherewith the said County shall be justly chargeable; but that all Persons and Estates, as aforesaid, within the said City, shall be liable to pay the respective Rates hereafter to be assessed on them, from Time to Time, for the Purposes aforesaid, any Thing herein contained to the Contrary notwithstanding.

Chap

Chap. 177. *An ACT for the better Government of the City of Philadelphia.* Repealed.

CHAP. CLXXVIII.

An ACT concerning the Register-General's Office.

WHEREAS by a Law of this Province made in the Year One Thousand Seven Hundred and Five, Entituled, *An Act concerning the Probates of written and Nuncupative Wills, and for confirming Devises of Land.*

It is among other Things enacted, That there should be an Officer called *Register-General*, to be commissioned by the the Governour, from Time to Time, for the Probate of Wills, and granting Letters of Administration in this Province, which Register-General should keep his Office at *Philadelphia*, and should from Time to Time, constitute a sufficient Deputy to officiate for him in each of the other Counties of this Province; but inasmuch as no Register has been commissioned and Deputies constituted in each County, as the said Act directs,

Be it therefore Enacted, &c. That the said Proprietary and Governour in chief, or his Lieutenant Governour, for the Time being, shall, on or before the first Day of the Month called *August* next, commissionate a Register-General for the Probate of Wills and granting Letters of Administration in this Province; but in Case of the Removal of such Register-General, by Death or otherwise, then another fit Person shall, within three Weeks after such Removal, be commissioned, as aforesaid, in the Room of the Register-General so removed, who shall keep his Office at *Philadelphia*, as the said Act directs, and shall, from Time to Time, constitute a sufficient Deputy to officiate for him in each of the said other Counties, who being by him deputed, shall be and are hereby impowered to take Probate of Wills, and grant Letters of Administration in the respective Counties, and to have a Common-Seal, according to the Tenor and Direction of the said Act.

The Proprietary to commissionate a Register General.

Who shall keep his Office in Philadelphia and appoint a Deputy in each County.

Provided always, That if the said Proprietary, or his Lieutenant Governour, shall refuse or neglect to commissionate a Register-General, from Time to Time, as this Act directs, then the Commissioners, Agents or Stewards of the said Proprietary, his Heirs or Assigns, who are or shall be impowered

In Case the Proprietary &c. refuse so Commissionate, then his Commissioners &c. shall.

*And if they refuse
then the Justices shall*

to act for him or them in Matters relating to the Seigniorly or Propriety of this Province, shall commission a Register-General within three Weeks after the Time hereby appointed for the Governour to do the same; but if the said Commissioners, Agents or Stewards shall refuse or neglect to do their Duty therein, according to the Direction of this Act, then the Justices of the Court of Common-Pleas for the said County of *Philadelphia*, for the Time being, or the major Part of them, shall, as often as there may be Occasion, Commissionate the said Officer, called *Register-General* at *Philadelphia*, who shall be, and is hereby impowered and required to officiate, as fully and effectually as any Register-General ever could or can do, according to the Powers granted by the Royal-Charter, or by Virtue of the said Act.

*Which said Register
General shall give
good security for the
true, &c.*

And be it further Enacted by the Authority aforesaid. That before any Register-General, or his Deputy, shall enter upon their respective Offices, he shall find one or more sufficient Sureties, together with himself, to become bound to the said Proprietary, his Heirs and Assignes, Proprietaries of this Province, in a Bond of the Penalty of *Five Hundred Pounds*, for the true and faithful Execution and Discharge of his Office, and for the Delivery of the Records and other Writings belonging to the same, by him his Heirs, Executors or Administrators, to his Successor in the said Office, whole and undefaced; which said Bond shall be entered on Record in the Office of the *Prothonotaries* or Clerks of the said Court of Common-Pleas in the said respective Counties, to be safely kept by them, and to be made Use of as the said Act directs.

*And the said Bond
entered upon Record.*

*The Register with
two or more Justices
shall decide Controversies,
settle Accounts and
make Distributions*

And be it further Enacted by the Authority aforesaid, That where Objections are made, or Caveats entered against the proving of any Will, or granting Letters of Administration, and where there is or shall be Occasion to take the final Accounts of Executors or Administrators, or make Distribution of Decedent's Estates, the Register-General, and his Deputies respectively, shall, in every such Case, call to their Assistance two or more of the Justices of the said Courts of Common-Pleas for the County where they are concerned, who are hereby impowered and required to give their Assistance accordingly, to decide the said Caveats and Matters in Controversy, settle the said Accounts, make Distributions, and do all other judicial Acts as do or shall belong, or ought of Right to be done by any Person or Persons having Power by Law to take Probate of Wills, and grant Administration.

And when the Register-General, or his Deputies, for the Time being, are by the Duty of their Office required to administer

administer Oaths in any Case, and shall happen to be such who for Conscience sake cannot administer Oaths, they shall apply to some of the said Justices in the proper County, who are hereby impowered and required to administer the same, which shall be as effectual in Law as if it had been administered by the Register-General, or his Deputies respectively.

Where the Register cannot administer Oaths he may apply to any Justice, &c.

Provided always, That nothing in this Act contained shall extend or be construed to extend to annihilate or make void the above recited Act, or any Part thereof, save only what is hereby expressly altered and supplied, but that the same Act, in every other Respect, shall remain and be in full Force and Virtue as the same ought to have been in, if this Act had not been made, any Thing herein before contained to the Contrary in any wise notwithstanding.

Chap. 179. *An ACT for impowering Religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments.* Repealed.

Chap. 180. *A Supplementary ACT to a Law about the Manner of giving Evidence.* Repealed.

CHAP. CLXXXI.

An ACT for Establishing the lower Ferry on the River Skuylkil.

WHEREAS at the Instance of many of the substantial Inhabitants of the Counties of *Philadelphia* and *Chester*, a convenient High-Way or Road has been laid out to the lower Ferry, commonly called *Benjamin Chambers's* Ferry, upon *Skuylkil*-River, by Order of the Governour and Council, in the Year One Thousand Six Hundred and Ninty Seven, for the Accommodation whereof the said *Benjamin Chambers* was encouraged to undertake the settling the said Ferry, at a great Charge, which must still be liable to great Expence, and yearly Reparations, too much for any Person to expend upon an uncertain Term. And the said *Benjamin Chambers*, having made Application for the better Establishment of the said Ferry, and preventing any other from being set up near the same for a certain Term of Years,

Be it therefore Enacted, &c. That the said *Benjamin Chambers*, his Executors, Administrators and Assigns, shall, for the
Space

*The same confirm-
ed 6 Feb Ch. 1. 1683.
8. 1. per 21. 1683.*

*The appointed Fare
to b. paid.*

Space of Twenty one Years next ensuing, receive the Toll for Passage or Ferriage over the said River *Skuykil*, of all Persons (the Proprietor and his Lieutenant Governour, and their Attendants excepted) as follows, and no more, That is to say, For each Horse and Rider, and Back-burthen *Two Pence*. For each Cart or Waggon loaded *One Shilling*, and if unloaded *Six Pence*. For a Sled loaded or unloaded *One Penny*. For each Horse, Bullock, Ox or Cow, swam or boated *Three Half-Pence per Head*, For each Foot-Passenger *One Penny*, For each live Sheep *One Half-Penny*. For each live Hog, *One Penny*. For a Coach or Chariot *One Shilling*, and for a Chaise *Four Pence*.

*Who is to keep &
maintain Cause Ways
&c. and provide Boats
&c.*

On Penalty of 20l.

Provided always, That the said *Benjamin Chambers*, his Executors, Administrators and Assigns shall compleat and fully finish, and then keep and maintain the Cause Ways and Landings, on each Side of the said River, in good and sufficient Repair and Order, fit for Carts: Provide and maintain substantial Boats and able Hands, and give, by him or themselves, or Servants, from Time to Time, due and constant Attendance thereon; under the Penalty of being fined to the Government at the Discretion of the County-Court, in any Sum not exceeding *Twenty Pounds*, for the first Offence, to be recovered in Manner hereafter expressed; and for the second Offence to be displaced or removed by the said County-Court, from keeping the Ferry and receiving the Benefits thereof, being first legally convicted of such Failure or Default; and in such Case the Proprietor *William Penn*, Esq, his Heirs or Assigns, or his or their Commissioners of Property, for the Time being, shall appoint another Person to keep the said Ferry under the same Restrictions and Limitations as herein is prescribed and directed.

*No Ferry to be kept
within a Mile above
or below the said
Ferry.*

Penalty 20l.

And for the better carrying on the said Ferry and Encouragement in the Premises, *Be it further enacted by the said Authority*, That no Person or Persons whatsoever shall or may presume to erect or keep a Ferry-Boat or Canow for carrying Passengers, Cattle or Horses over the said River for Wages or Hire, within the Distance of one Mile either above or below the said Ferry for the Space of Twenty one Years, under the Penalty of *Twenty Pounds* for every such Offence, one Moiety or Half-Part thereof for and towards the Support of the Government, and the other Half to the said *Benjamin Chambers* or his Assigns, to be recovered in any Court of Record in this Province by Bill, Complaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

CHAP. CLXXXII.

An ACT for Establishing and Regulating
of Ferries over Delaware-River and Ne-
shaminy-Creek.

Expired, but sup-
plied by other Acts.

WHEREAS it is of absolute Necessity that Ferries be erected and established over the River *Delaware* and *Neshaminy-Creek*, for the better Accommodation of Passengers travelling in this Province, *Be it therefore Enacted*, &c. That there shall be erected and kept the several Ferries following, That is to say,

At the Town of *New-Bristol* One, and near the Falls of *Delaware* One, and at the Landing of *William Williams*, One; also at *John Baldwin's* upon *Neshaminy* Creek, One; all which said Ferries shall be kept at the respective Places aforesaid by such Persons as are herein after named and appointed, their Executors, Administrators and Assigns, respectively, who shall and are hereby required at all convenient Times to maintain and keep the said Ferries with good and sufficient Boats and Men, as shall from Time to Time be needful for the Carriage of all Persons, Cattle, Horses and Goods which are to be carried over the said River *Delaware* or *Neshaminy-Creek*, at the several and respective Ferries aforesaid. And also, that each and every the said Persons hereafter named and appointed, and their Successors, shall at all Times hereafter (during the Time limited by this Act) by him or themselves, or Servants give constant and due Attendance on his or their said Ferries respectively; and each of the said Persons shall have and receive for Ferriage over, at each of the several Places aforesaid, of all Persons the Proprietary and his Lieut. Governour, and their Attendance excepted the Rates and Prices following, That is to say,

At the Ferry of *New-Bristol*, for every single Passenger on Foot, *Four Pence*; but if Three be carried at once, *Three Pence* for each; and if any greater Number, *Two Pence Half-penny* each. For every single Horse and Rider *One Shilling*; and when any greater Number together, *Nine Pence* for each. For every single Ox, Cow or Heifer, *One Shilling and Three Pence*; and when any greater Number together, *One Shilling* for each. For every single Sheep *Three Pence*; and when any greater Number together, *Two Pence* for each. For every single Hog, *Six Pence*; and when any greater Number together *Three Pence Half-penny* each, and no more.

Continued to John
Stoche from the Ex-
piration hereof for 11
Years by 4. Georgii.

*The Falls Ferry
settled on Joseph
Berkshire for 11
Years after the Ex-
piration hereof by 4
George II.*

At the Ferries at the Falls and *William Williams's*, for every single Horse and Rider, *Nine Pence*; and when any greater Number shall be carried together, *Seven Pence Half-penny* for each. For every single Passenger on Foot, *Four Pence*; and when a greater Number together, *Three Pence* for each. For every single Ox, Cow or Heifer, *One Shilling*, and when a greater Number is carried together, *Ten Pence* for each. For every single Sheep, *Three Pence*, but when a greater Number, *One Penny Half-penny* for each. For every single Hog, *Five Pence*, and when a greater Number, *Three Pence per Head*, and no more.

*Neshaminy Ferry
continued to John
Baldwin for 7 Years
from the 10 George II.*

At the Ferry over *Neshaminy*, For every single Horse and Rider, Ox, Cow or Heifer, *Four Pence*, but if more are carried at one Time, *Three Pence*, each. For every Foot Passenger, *Two Pence*. For every Sheep, *One Penny*, and for every Hog, *Two Pence* and no more.

And if any of the said Persons hereby appointed shall not Maintain and keep such sufficient Boat or Boats, as aforesaid, with sufficient and able Hands, Or shall not give constant and due Attendance on the Service of the said Ferries, respectively, or shall exact or demand any greater or other Fees for the Carriage of any Passenger, Cattle, Horses Hogs or Sheep, than is herein before limited and appointed, then and in every such Case he shall forfeit and Pay the Sum of *Five Pounds* lawful Money of this Province for every such Offence, one Moiety thereof to the Governour for the Support of the Government of this Province, and the other Moiety thereof to the Party grieved, who shall sue for the same, by Bill, Plaint or Information in any Court of Record in this Province, wherein no Esloyn, Protection or Wager of Law shall be allowed.

And be it further Enacted by the Authority aforesaid, That John Sotcher of Pennsbury in the said County of Bucks, Yeoman, is hereby appointed, and shall be the Person who shall keep the Ferry at Bristol. And that John Clark of the said County, Yeoman, is hereby appointed, and shall be the Person who shall keep the Ferry at or near the Falls. And that William Williams of the same County, Yeoman, is hereby appointed, and shall be the Person who shall keep the Ferry at his own Landing, as aforesaid. And that John Baldwin of New-Bristol, in the County of Bucks, is hereby appointed, and shall be the Person, who shall keep the Ferry at Neshaminy-Creek. And each and every of them, and their Executors and Assigns, respectively, shall or may hold and enjoy the same for and during the Term of Seven Years from the Publication of this Act, if they shall respectively so long well behave themselves therein.

And

And that no other Person or Persons shall hereafter, for and during the said Term of Seven Years, presume to carry any Passengers, Horses, Cattle Sheep or Hogs for any Wages, Hire or Reward whatsoever, over the said River *Delaware*, from this Province to *New-jersey*, or over *Aeshamny* Creek, as aforesaid, within the Space of Two Miles either above or below either of the aforesaid Ferries, under the Penalty of *Five Pounds* forfeiture for every Offence, one Moiety thereof to the Governour, for the Support of the Government of this Province, and the other Moiety thereof to such Person who shall from Time to Time be appointed, as aforesaid, to keep such of the said Ferry or Ferries as shall be within the Distance above limited, who shall sue for the same by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

And be it further Enacted by the Authority aforesaid, That in Case any of the Persons above named and appointed for keeping the aforesaid Ferries respectively, shall refuse to provide Boats, and keep the said Ferries as by this Act directed and allowed; then it shall and may be lawful for the Proprietor *William Penn*, Esq; his Heirs or Assigns, or his or their Commissioners of Property, for the Time being, to appoint any other Persons for that Purpose, under the same Restrictions and Limitations herein before expressed; and such Person or Persons, so appointed, shall or may be accommodated at any the aforesaid Places with a suitable House, or so much Land convenient to erect one on (not exceeding Half an Acre) at such Rates as the County-Court and Grand-Jury shall adjudge reasonable, to be paid by the Undertaker to the Owner thereof, which Land so assigned as aforesaid, with the Improvement shall be deemed and held as the Estate of the Improver and Occupier thereof, his Heirs and Assigns; and shall be liable only to be alienated by the County-Court and Grand-Jury on such reasonable Allowances as they shall think fit, as aforesaid, to any other Person, for the same Uses, as is above expressed, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

Provided always, That this Act shall continue in force for and during the Term of Seven Years from the Publication thereof, and no longer.

Chap. 183. *An ACT to prevent the Importation of Negroes and Indians unto this Province.* Repealed.

CHAP. CLXXXIV.

An ACT for the further securing the Administration of the Government.

WHEREAS it is of the greatest Importance to the Well-being of any Country to be provided of a regular and plenary Administration of Government in all Emergencies; and considering the Uncertainty of humane Life renders all Government liable to Changes, that may carry great Inconveniencies with them, unless due Provision be made against the same, *Be it therefore Enacted, &c.* That in Case it shall please Almighty God at any Time, in the Absence of the Governour in chief of this Province, to remove his Lieutenant by Death, or otherwise, before such sufficient Provision be made by the Governour in chief, for the full Administration of Government: The Governour's Council, that are in Place at the Time of such Lieutenants Death or Departure out of this Government, or so many of them as conveniently can, shall forthwith meet at *Philadelphia*, and the first named or eldest Counsellor, or in Case of his Absence or Refusal, such other Member of Council as a Majority then present shall chuse and appoint, with any Four more of the said Counsellors, shall be a *Quorum*; and shall have the full Power and Authority of a Governour of this Province, as effectually as any Deputy or Lieutenant Commissioned by the Governour in chief, may or ought to have: And shall accordingly Act and Exercise all the Powers of Government, as fully and amply as any Deputy or Lieutenant Governour of this Province may, can or ought to do, Legislation excepted; until the said Lieutenant Governour's Return again, or until another Person or Persons shall be duly commissioned and empowered by the said Governour in Chief, or his Heirs, to act in their stead.

Upon the Death of the Lieutenant Governour the Eldest Counsellor with other Four shall have the full Power of a Governour &c.

Legislation Excepted.

And the President or Eldest Counsellor shall cause due Notice thereof to be transmitted home.

And be it further Enacted by the Authority aforesaid, That the President or first named Member of Council, that shall succeed at the Time of such Death or Absence, as aforesaid, shall at their first Meeting, Order that due Notice thereof be transmitted by the first Opportunity to one of the Secretaries of State in Great-Britain, and to the Board of Trade and Plantations, and also to the Governour in chief of this Province.

Provided always, That in Case the Governour in Chief shall not within six Months after such Death or Absence of the Lieutenant Governour, nominate another Person, to be his Lieutenant Governour, and obtain his Approbation from the Queen, or her Successors; then the Power of Lieutenantcy intended

And if no Governour be Nominated by &c. in six Months the Power of Lieutenantcy to be lodged in the Council until &c.

tended by this Act, to be lodged in the Council, shall remain and continue until the Governour in Chief make further Provision, as aforesaid, or until the Queen's Pleasure be known therein, and no longer.

Provided also, That in Case the said Governour in Chief shall happen to be removed by Death, or otherwise; then it shall and may be lawful for his Deputy or Lieutenant for the Time being, to exercise all the Powers of Government as fully and amply as before, till further Order from her Majesty, her Heirs or Successors, or the Heirs of the said Proprietary and Governour in Chief, which shall first happen.

And if the Governour in Chief Dies the Power to continue to his Lieutenant until &c.

Chap. 185. *A Supplementary ACT to an Act, entitled, An Impost Act, laying a Duty on Negroes, Rum, Wine, Spirits, Syder and Vessels, &c. Expired.*

AT a General - Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Eleventh Year of the Reign of our Sovereign Lady *Anne*, Queen of *Great-Britain, &c. Annoq; Domini*, One Thousand Seven Hundred and Twelve, and continued by Adjournments, to the Twenty seventh of *March*, One Thousand Seven Hundred and Thirteen, on which Day the following Acts were passed by *Charles Gookin, Esq;* Lieutenant Governour under *William Penn, Esq;* &c. That is to say.

CHAP. CLXXXVI.

An ACT for Reviving, Explaining and Continuing several Laws in this Act mentioned.

Expired.

WHEREAS by a Law of this Province, past the 28th Day of the Month called *February*, One Thousand Seven Hundred and Ten: Entituled *An Act for raising a Supply*

Supply of Two Pence per Pound and Eight Shillings per Head. The Collectors of the said Tax were required to gather the same, and for Non-payment to make Distress; and for Want of Distress, the Persons assessed to be taken in Execution, and remain Prisoners, till they should answer the same, with such other Sums as such Persons were assessed in any other County; and to Pay or carry in to the Sub-Treasurer in each County, such Money or other Effects as should, from Time to Time, come to their Hands; so that the whole Sums they were respectively charged with by the Warrants and Duplicates in the said Act mentioned, should be fully carried in and paid, as aforesaid, on or before the Twentieth Day of the Month called *June* then next ensuing. And that the said Sub-Treasurers should once a Month, at least, render a just Account of and bring in and pay to the Provincial-Treasurer all Sums of Money and Receipts for Wheat or Flour as they had then received from the said Collectors, until the whole were fully compleated. And the said Collectors were by the said Act obliged to Pay the whole, and every of the several Sums of Money mentioned in the said Duplicate, for their respective Districts, unto the respective Sub-Treasurers, or to the said Provincial-Treasurer, on or before the Twenty fifth Day of the said Month, called *June*, altho' such Collectors had then neglected to Collect or Levy the same, pursuant to the Power thereby given them. And in Case of Neglect or Refusal of Payment by any such Collector within the Time above limited (upon Complaint and Proof thereof made by any of the Sub-Treasurers before any of the Commissioners in the said Act named) he should be fined in *Five Pounds*, whereupon any one or more of the said Commissioners were by the said Act required to issue a Warrant to the respective Sheriff, requiring him forthwith to levy the said Fine, together with the whole and every of the several Sums assessed and mentioned in the said Duplicates, or so much thereof as should remain unpaid to the respective Sub-Treasurers, by Distress and Sale of such Collector's Goods; and for Want thereof to take the Body of such Collector and him safely keep in Prison till he should satisfy the same, as by the said Act (Relation being thereunto had) may more fully appear.

And whereas by another Law of this Province, passed on the said Twenty eighth Day of February aforesaid, Enrituled, An Act empowering Commissioners to compel the Collecting of all Arrearages of former Taxes. The Commissioners therein named were to put it in Execution, in Manner as thereby directed, but now it appears that the last mentioned Act is expired, and no Return made how far the Persons concerned have executed the same.

And

And also whereas by another Law of this Province, pass'd on the Tenth Day of the Month call'd *August*, One Thousand Seven Hundred and Eleven, Entituled, *An Act for raising Two Thousand Pounds, for the Queen's Use, by a Tax of Five Pence Half-penny per Pound, and Twenty Shillings per Head*. The Collectors of the said Tax were required to gather and pay the same, in like Manner as by the above recited Act is directed, so that the whole Sums they were charged with, should be fully paid in, or Receipts produced, testifying the Payment thereof in Merchantable Flour at *Philadelphia*, to the said Provincial-Treasurer, or in Wheat at such Mill or Mills as in the said Act is expressed, and deliver the same Receipts to the Sub-Treasurers on or before the last Day of *October*, then next ensuing, altho' such Collectors had then neglected to collect or levy the same, as aforesaid; and in Case of any such Collector's Neglect or Refusal of Payment, he should be fined in *Five Pounds*, which together with so much of the Monies mentioned in the said Duplicates, as should remain unpaid to the Sub-Treasurers, should be levied by the Sheriff in Manner above directed, as by the last, (in Part) recited Act, Relation being thereunto had, more fully appears.

Now forasmuch as it appears, That a great Part of the Money intended to be raised by this last recited Act, remains uncollected or brought in to the Treasury, and the Time so far lapsed, that the Collections cannot well be accomplished without the Help of another Law. And forasmuch as it also appears that most of the Tax laid by Virtue of the first recited Act, is raised, but Part of it detained by some Collectors, and the Time limited to prosecute them for such their Offence is lapsed,

Be it therefore Enacted, by Charles Gookin, Esq; by the Queen's Royal Approbation, Lieutenant Governour under William Penn, Esq; Proprietor and Governour in chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in general Assembly met, and by the Authority of the same, That in each County of the said Province, the Persons hereafter named shall be Commissioners for putting this Act in Execution, That is to say,

For the County and City of *Philadelphia*, Richard Hill, Thomas Masters, Edward Farmer, Nathan Standbury and Rowland Ellis.

For the County of *Chester*, Caleb Pusey, Nicholas Pyle, Henry Pierce, Isaac Taylor, and Wilham Davis.

And

And for the County of Bucks, *Joseph Kirkbride, Thomas Stevenson, Thomas Watson, John Rowland and Jeremiah Langhorn,*

Their Duty.

Who are hereby impowered and required to meet together on the Tenth Day of the Month called *April* next, at the Place where the respective Courts in the said Counties are usually held; and at such other Times and Places as the said Commissioners, or any Three of them respectively, shall then after agree upon: And the said Commissioners, or any Three of them respectively, shall issue forth their Warrants or Precepts under their Hands and Seals, directed to such Person or Persons as they shall think fit, to call before them, in their respective Counties, as they shall see Cause, all Collectors, Receivers, Sub-Treasurers, and all other Officers and Persons whatsoever, who have been employed in the assessing, levying, gathering and receiving the Rates and Assessments, as also the Arrearages of former Taxes, in the above recited Acts mentioned, and intended to be hereby levied; and cause them, and every of them, to make and give true and perfect Accounts of all and every the said Rates, Assessments and Arrearages of the said former Taxes respectively: And also, cause the said Collectors to finish their Collections, so that the same may be brought into the Treasury within the Time herein after limited for bringing in the same. And if any of them shall neglect or refuse forthwith to comply with the Premises; then it shall and may be lawful to and for the said Commissioners hereby appointed, or any three of them respectively, to Fine every such Delinquent in any Sum not exceeding *Five Pounds*, for any one Offence; to be levied by Distress and Sale of Goods, or Imprisonment of Body, as the Case shall require. And the said Commissioners that set or impose such Fines, are hereby impowered and required to issue out their Warrants, under their Hands and Seals, directed to such Officer or Officers as they shall think fit, for that Purpose; which said Fines and all other Fines hereby appointed to be imposed, shall be paid to the Provincial-Treasurer, for the same Uses as the said Taxes are intended.

And be it further Enacted by the Authority aforesaid, That the said Commissioners hereby appointed, or any Three of them, shall have full Power and Authority, in Case of any Neglect or Refusal, as aforesaid, or in Case of the Death or Absence of any of the aforesaid Collectors, Sub-Treasurers, or other Officers, from Time to Time, to constitute others in stead of such as shall refuse or neglect; and instead of such who are or shall be removed by Death or otherwise, and
so

to *Toties Quoties*, until all and every Part and Parcel of all the aforesaid Rates and Assessments, and the Arrears of former Taxes shall be wholly collected and paid. And if any of the Persons so to be constituted Collectors, Sub-Treasurers, or other Officers, as aforesaid, shall refuse or neglect to officiate accordingly, he or they so refusing or neglecting shall be fined by the said Commissioners in any Sum not exceeding *Five Pounds*, to be levied and paid as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any of the Persons rated and assessed, by Virtue of any of the above recited Acts, having not heretofore paid their said Assessments, and shall still neglect or refuse to pay the same, then and in all such Cases it shall be lawful to and for the said Collectors respectively, (after Demand by him or them made) to call to their Assistance, if Occasion be, any Constable or other Person; and in Case of Resistance, to break open Doors, and make Distress and Sale of such Person's Goods and Chattles, and to Return the Over-plus (if any be) to the Owners, after reasonable Charges deducted; but if no Distress can be found by the Collector, and the Party refuses or neglects forthwith to shew him Goods and Chattles, sufficient to satisfy the Money so unpaid, with reasonable Charges of Distress and Sale; then the Collector shall take the Body of every such Person, and bring him to the County Goal, and deliver him to the Sherrieff or Keeper of the said Goal, who shall detain him in safe Custody until he satisfies the same.

Provided always, That where Effects cannot be found sufficient to answer the whole Sum in Arrear, with Charges, as aforesaid, then Distress shall be made for so much as such Effects shall extend to, and the Party to be imprisoned only for the Residue thereof, with incident Charges; all which Charges of Distress, Assistance and bringing to Prison, shall be adjusted and settled by any Three, or more, of the said Commissioners hereby appointed, when such Occasion shall happen.

And be it further Enacted by the Authority aforesaid, That if any Person, who at the Time of laying or rating the said Assessments, was within this Province, shall come to inhabit or reside in any Division or Place where such Person was not rated or taxed, the Commissioners acting within such Division or Place, are hereby required to Summon such Person before them; and unless he can make it appear that he was assessed, and hath paid his Tax in some other Part of this Province, the said Commissioners shall assess such Person, and cause the Money to be levied and paid, as aforesaid.

And

And be it further Enacted by the Authority aforesaid, That every of the said Collectors formerly appointed shall pay the whole and every of the Sums of Money assessed and mentioned in the said former Duplicates for their said respective Districts, or so much thereof as hath not been already paid to the Sub-Treasurers, according to the Intent of the said recited Acts; and that every of the Collectors to be hereafter appointed, shall also pay the whole and every of the Sums of Money wherewith they shall be respectively charged by Virtue of this Act, unto the respective Sub-Treasurers, or shall produce Receipts, testifying the Payment thereof to the said Provincial-Treasurer, in Flour at Philadelphia, or in Wheat at such Mill or Mills as the said last recited Act directs, and deliver the same Receipts or Money aforesaid, to the respective Sub-Treasurers, on or before the Sixteenth Day of the Month called June, which will be in the Year of our Lord, One Thousand Seven Hundred and Thirteen.

And if any of the Persons assessed by the said last recited Act, are gone out of this Province, or become insolvent since the Thirtieth Day of *October*, last past; then and in every such Case, the said former Collectors in those Districts where such Persons were taxed, who neglected to gather and levy the same, shall make good the Sums assessed or set upon them, and pay the same to the Sub-Treasurers in the proper County, on or before the Sixteenth Day of the Month called *June* next. And the said Sub-Treasurers, and every of them, shall pay and deliver all that they shall receive as aforesaid (deducting such Sums as by said last recited Act are allowed them respectively) on or before the Twenty fifth Day of the said Month called *June*.

And be it further Enacted by the Authority aforesaid, That if any of the said Collectors shall refuse or neglect to pay the said Sums of Money, which he or they shall be respectively charged with, as aforesaid, or produce Receipts, testifying the Payment thereof, as aforesaid, and deliver the said Money or Receipts in Manner and at the Time aforesaid, retaining only such Sums as by the said recited Acts is allowed for collecting and paying the same. And if any Collector, Sub-Treasurer or other Officer or Person whatsoever, shall detain in his or their Hands any Monies received, or to be received by them, or any of them, and not pay or satisfy the same at such Time or Times, and in such Manner as by this Act is directed, then, and in every such Case the said Commissioners, or any Three or more of them in their respective Counties, are hereby impowered and required
(instead

(instead of fining the Delinquents, as by the said last recited Act is directed in such Cases) to meet and issue out their Warrants under their Hands and Seals, directed to the Sheriff or Coroner of the proper County, requiring him to take the Body, and seize and secure the Estate, Real and Personal, belonging to such Delinquent, or which shall descend or come into the Hands or Possession of his Heirs, Executors or Administrators, wheresoever the same can be discovered or found in this Province, and make Return of his Proceedings therein, at such Time and Place as they shall appoint.

And the Commissioners who shall cause such Estate to be seized and secured, as aforesaid, shall be, and are hereby empowered to appoint a Time for the General-Meeting of the Commissioners of such County, and there to cause publick Notice to be given at the Place where such Meeting shall be appointed, Six Days at least before such General-Meeting; and the Commissioners then present at such General-Meeting, or the major Part of them, in Case the Money detained by such Delinquent, be not then paid or satisfied, shall, and are hereby empowered and required, to issue forth their Warrants or Precepts to the Sheriff or Coroner of the proper County, empowering and requiring him to sell and dispose of all such Estates as shall be for the cause aforesaid, seized and secured, or any Part thereof, and to bring the Money arising by such Sale to the Commissioners who granted such Warrants, in Order to satisfy and pay unto the Provincial-Treasurer, for the Time being, the Sum that shall be so detained in the Hands of such Collectors, Sub-Treasurer or other Persons, their Heirs, Executors or Administrators respectively, with Damages for what shall be so detained of the said former Taxes, after the Rate of *Sixteen Pounds per Cent.* by the Year, for so long as the same hath been actually detained, after the Time by the said recited Acts respectively appointed for Payment thereof returning the Over-plus (if any be) after all necessary Charges are deducted.

And when any Sale of Lands, Tenements or Hereditaments shall be made by such Sheriff or Coroner, respectively, pursuant to this Act, the Title and Conveyance thereof shall be by Deed, signed, sealed and delivered by the Sheriff or Coroner, to such Person or Persons as shall purchase the same in Fee-simple, or otherwise, which shall be most absolute and available in Law, against the said Delinquents and their Heirs and Assigns, and all claiming under them. And that all Gifts, Grants and Sales which have been or shall

be made by any of the said Delinquent-Collectors, Sub-Treasurers, or other Officers, of any of their said Estates, after the Time they should have paid the Money come to their Hands, arising from the said Assessments (unless the Estate so seized be sufficient to answer what they are in Arrear) are hereby declared to be Fraudulent, and shall not prevent or avoid the Seizures and Sales hereby appointed to be made thereof, as aforesaid.

And be it further Enacted by the Authority aforesaid, That all Clerks of the respective County-Courts shall draw and deliver all Warrants to be drawn by Virtue of this Act, and all Sheriffs, Coroners, Constables and other Officers within this Province, shall, and are hereby required and enjoined to be respectively aiding and assisting in the Execution of this Act, and what is hereby revived and continued of the said recited Acts, and to obey and execute such Precepts or Warrants as shall be to them directed, in that Behalf, by the respective Commissioners hereby appointed, or any Three or more of them.

And be it further Enacted by the Authority aforesaid. That the Commissioners in this Act named, shall be allowed *Four Shillings* each for every Day's Attendance, which, together with reasonable Charges of Clerks and other Officers, as the said Commissioners in their respective Counties shall think fit to allow, by Order under the Hands of the major Part of them, to the respective Sub-Treasurers, shall be paid by such Sub-Treasurers, and be discounted by the Provincial-Treasurer.

This Act expired
in March, 1714.

And be it further Enacted by the Authority aforesaid. That the said Three recited Acts, and all Powers, Provisions, Penalties, Clauses, Matters and Things therein contained (except only such Part and Parts of the same Acts touching which other Provisions or Alterations are made by this Act) are hereby revived, and shall be and continue, together with this present Act, in full Force until the Twenty fifth Day of the Month called *March*, which will be in the Year of our Lord, One Thousand Seven Hundred and Fourteen.

Provided always, and be it further Enacted by the Authority aforesaid, That no Proceedings prescribed or required by this Act against Collectors and other Officers refusing or neglecting to comply therewith, shall be stayed by *Certiorari*, *Habeas Corpus*, or otherwise, any Law or Usage to the Contrary notwithstanding.

Provided

Provided also, That no Person or Persons shall be sued or prosecuted for any Thing done in the Execution of this Act, except he or they be prosecuted within Eighteen Months after such cause of Action first accrued.

CHAP. CLXXXVII.

An ACT for Limitation of Actions.

BE it Enacted by Charles Gookin, Esq; Lieutenant Governor, &c. by and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That all Actions of *Trespass, Quare clausum fregit*, all Actions of *Detinue, Trover* and *Replevin*, for taking away Goods and Cattle, all Actions upon *Account* and upon the *Case* (other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants) all Actions of *Debt*, grounded upon any Lending, or Contract without Specialty, all Actions of *Debt* for Arrearages of Rent, (except the Proprietaries Quit-Rents) and all Actions of *Trespass, Assault, Menace, Battery, Wounding* and *Imprisonment*, or any of them, which shall be sued or brought at any Time after the Five and Twentieth Day of *April*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirteen, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after (That is to say)

The said Actions upon the *Case* (other than for Slander) and the said Actions for Account, and the said Actions for *Trespass, Debt, Detinue* and *Replevin* for Goods or Cattle, and the said Actions of *Trespass, Quare clausum fregit*, within Three Years after the said Five and Twentieth Day of *April* next, or within Six Years next after the Cause of such Actions or Suit, and not after.

These Actions to be sued within 6 Years after the Cause of such Actions and not after.

And the said Actions of *Trespass, of Assault, Menace, Battery, Wounding, Imprisonment*, or any of them, within one Year next after the said Twenty fifth Day of *April* next, or within Two Years next after the Cause of such Actions or Suit, and not after; and the said Actions upon the *Case* for Words within one Year next after the Words spoken, and not after.

And those within One Year.

If Judgment be given for Plaintiff by reverſed, he may commence a new Action within one Year.

And be it further Enacted by the Authority aforeſaid, That if in any of the ſaid Actions or Suits, Judgment be given for the Plaintiff, and the ſame be reverſed by Error, or a Verdict paſs for the Plaintiff, and upon Matter alledged in Arreſt of Judgment, the Judgment be given againſt the Plaintiff, that he take nothing by his Plaint, Writ or Bill, then and in every ſuch Caſe the Party Plaintiff, his Heirs Executors or Adminiſtrators (as the Caſe may require) may commence a new Action or Suit, from Time to Time, within a Year after ſuch Judgment reverſed or given againſt the Plaintiff, as aforeſaid, and not after.

Where a Disclaimer ſhall be allowed.

And be it further Enacted by the Authority aforeſaid, That in all Actions of Trefpaſs, *Quare Claſum fregit*, hereafter to be brought, wherein the Defendant or Defendants ſhall Diſclaim in his or their Plea, to make any Title or Claim to the Land in which the Trefpaſs is, by the Declaration, ſuppoſed to be done, and the Trefpaſs be by Negligence or Involuntary, the Defendant or Defendants ſhall be admitted to plead a Diſclaimer, and that the Trefpaſs was by Negligence or Involuntary, and a Tender or Offer of ſufficient Amends for ſuch Trefpaſs, before the Action brought, whereupon, or upon ſome of them, the Plaintiff or Plaintiffs ſhall be enforced to joyn iſſue, and if the ſaid Iſſue be found for the ſaid Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall be Non-ſuited, the Plaintiff or Plaintiffs ſhall be clearly barr'd from the ſaid Action or Actions, and all other Suit concerning the ſame.

In Actions of Slander where the Damages is found under 40s. the Coſts ſhall be the ſame.

And be it further Enacted by the Authority aforeſaid, That in all Actions upon the Caſe, for ſlanderoſ Words, to be ſued or proſecuted by any Perſon or Perſons, in any Court within this Province, after the ſaid Twenty fifth Day of *April* next, if the Jury upon Trial of the Iſſue in ſuch Action, or the Jury that ſhall enquire of the Damages, do find or aſſeſs the Damages under *Forty Shillings*, then the Plaintiff or Plaintiffs in ſuch Action ſhall have and recover only ſo much Coſts as the Damages ſo given or aſſeſſed, do amount unto, without any further Increaſe of the ſame, any Law or Uſage to the Contrary notwithstanding.

An Action may be brought againſt one under age &c. within

Provided nevertheless, That if any Perſon or Perſons, who is or ſhall be entituled to any ſuch Action of Trefpaſs, Detinue, Trover, Replevin, Actions of Account or Debt, Actions for Trefpaſs, for Aſſault, Menace, Battery, Wounding or Imprisonment, Actions upon the Caſe for Words, be, or at the Time of any Cauſe of ſuch Action, given or accrued, fallen or come, ſhall be within the Age of Twenty one Years,

Feme

Feme Covert, non Compos Mentis, Imprisoned or Beyond Sea, that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are hereby before limited; after their coming to or being of full Age, Discoverture, of sound Memory, at Large, or Returning into this Province, as other Persons.

the Time limited &c after he come to age, &c.

CHAP. CLXXXVIII.

An ACT for Establishing Orphan's-Courts.

WHEREAS by certain Laws of this Province now in Force, several Matters of great Importance are directed to be done by the Orphan's-Courts, which being discontinued by the Repeal of the former *Law of Courts*, and not hitherto revived, nor effectually supplied by another Law, divers Orphans and Persons concerned for them, or intrusted with their Estates, labour under great Inconveniencies;

Be it therefore Enacted, &c. That the Justices of the Court of general Quarter-Sessions of the Peace in each County of this Province, or so many of them as are or shall be, from Time to Time, enabled to hold those Courts, shall have full Power, and are hereby impowered, in the same Week that they are, or shall be by Law directed to hold the same Courts, or at such other Times as they shall see Occasion to hold and keep a Court of Record in each of the said Counties, which shall be stiled, *The Orphan's-Court*, and to award Process, and cause to come before them, all and every such Person and Persons, who as *Guardians, Trustees, Tutors, Executors, Administrators*, or otherwise, are or shall be entrusted with, or any wise accountable for any Lands, Tenements, Goods Chattles for Estate belonging or which shall belong to any Orphans or Persons under Age, and cause them to make and exhibit, within a reasonable Time, true and perfect Inventories and Accounts of the said Estates; and to cause and oblige the Register-General, or such Person or Persons, as, for the Time being, shall have the Power of Probates of Wills, and granting Letters of Administration in this Province, or their Deputies, upon Application made in that Behalf, to bring or transmit into the Orphan's-Court, true Copies or Duplicates of all such Bonds, Inventories, Accounts, Actings and Proceedings whatsoever, now or hereafter remaining or being in the respective Offices, or else-where, within the Limits of their Authority, as do or shall concern or relate

The Justices of the Court of Quarter-Sessions to hold the Orphan's-Court.

Their Power & Duty.

relate to the said Estates, or any of them; and to order the Payment of such reasonable Fees for the said Copies, and for all other Charges, Trouble and Attendance, which any Officer or other Person shall necessarily be put upon in the Execution of this Act, as they shall think equitable and just. And if upon Hearing or Examination thereof, it appears to the Justices of the said Court, that any of the said Officers have Misbehaved themselves, to the Prejudice of any Minor, or others concerned for them, as aforesaid, the said Justices are hereby required to certify the same accordingly, which shall be good Evidence for the Party grieved to recover his Damages at Common-Law.

Letters of Administration without giving Bond are void.

The Penalty for doing the same.

Where the Security appears to the Orphan's Court not sufficient they shall compel such Administrators to give better.

And where any Letters of Administration shall be granted, and no Bond with Sureties given, as the Law in that Case requires, such Letters of Administration shall be and are hereby declared to be void and of none Effect, and that the Officer or Person that grants the same, and his Sureties, shall be, *ipso facto*, liable to pay all such Damages as shall accrue to any Person or Persons by Occasion of granting such Administration. And the Party to whom the same shall be so granted may be sued as *Executor* in his own Wrong, and shall be so taken and deemed in any Suit to be brought against him for or by Reason of his said Administration. Or if upon such Examination it appears, that any of the said Officers have not taken sufficient Sureties, where the Administrators may not be of Ability to answer or make good the Value of what the Decedent's Estate doth or shall amount to, Then the said Justices of the Orphan's-Court are hereby required and empowered to cause all such Administrators to give better Security to the Register-General, by Bonds, in Manner and Form as the Law prescribes, and under such Penalties, and with such Sureties as the said Justices, after they have heard the Objections of Creditors or Persons concerned (if any such be made to the Court) shall approve of. And if it appears that any of the said Administrators have imbezelled, wasted or misapplied or suffered so to be, any Part of the Decedent's Estates, or shall neglect or refuse to give Bonds, with Sureties, as aforesaid, then and in every such Case the said Justices shall forthwith, by their Sentence, revoke or repeal the Letters of Administration granted them, and thereupon the said Register-General, or other Person then empowered to grant Administration, as aforesaid, where such Occasion happens, are hereby required to grant Letters of Administration to such Person or Persons (having Right thereunto) as will give Bonds in Manner and Form aforesaid, who may have their Actions of Trover or Detinue for such Goods or Chattles

as came to the Possession of the former Administrators, and shall be detained, wasted, imbezelled or mis-applied by any of them, and no Satisfaction made for the same.

And be it further Enacted by the Authority aforesaid, That when any Complaint is made to any of the said Justices, That an Executrix, having Minors of her own, or being concerned for others, is married, or like to be espoused to another Husband, without securing the Minor's Portions or Estates, or that an Executor or other Person, having the Care and Trust of Minor's Estates, is like to prove Insolvent, or shall refuse or neglect to exhibit true and perfect Inventories, or give full and just Accounts of the said Estates, come to their Hands or Knowledge, then and in every such Case the same Justices are hereby required forth-with to call an Orphan's-Court, who shall cause all and every such Executors and Trustees, as also such Guardians or Tutors of Orphans or Minors as have been formerly appointed, or shall at any Time hereafter be appointed by the said Court, to give Security to the Orphans or Minors, by Mortgage or Bonds, in such Sums, and with such Sureties as the said Courts shall think reasonable: Conditioned for the Performance of their respective Trusts, and for the true Payment or Delivery to and for the Use and Behoof of such Orphans as they are concerned for (or such as shall legally represent them) the Legacies, Portions, Shares and Dividends of Estates, Real and Personal, belonging to such Orphans or Minors, so far as they have Assets, as also for their Maintenance and Education, as the said Court shall think fit to Order, for the Benefit and Advantage of such Orphans, as is usual in such Cases.

In Case Minors Portions or Estates be in Danger by Executors &c.

The Orphan's-Court shall cause such to give Security, &c.

And be it further Enacted by the Authority aforesaid, That any of the said Executors, Administrators, Guardians or Trustees, may, by the Leave and Direction of the Orphan's-Court, put out their Minors Money, to Interest, upon such Security as the said Court shall allow of, and if such Security, so taken *bona fide*, and without Fraud, shall happen to prove insufficient, it shall be the Minors loss. But if no Person who may be willing to take the said Money at Interest (with such Security) can be found by the Persons so as aforesaid concerned for the Minors, nor by any others, then the said *Executors, Administrators, Guardians, or Trustees*, shall in such Cases be responsible for the Principal-Money only, until it can be put out at Interest, as aforesaid.

Executors or Guardians, &c. may put out to Interest the Minor's Money by Direction of the Orphan's-Court.

Provided always, That the Day of Payment of the Money so to be put out to Interest, at any one Time, shall not exceed Twelve Months from the Date of the Obligation, or other Security

*And the Method
bet. of.*

Security given for the same, and so *Toties Quoties*, when and so often as the said Money shall be paid or come to the Hands of the said Executors, Guardians or Trustees.

Provided also, That no Executors, Administrators, or Guardians shall be liable to pay Interest, but for the Surplusage of the Decedent's Estates remaining in their Hands or Power, and belonging to the Minors, when the Accounts of their Administration are or ought to be settled and adjusted before the Orphan's-Court or Register-General respectively.

*The Orphan's Court
shall have all the
Powers, &c. granted
by an Act, &c.*

And be it further Enacted by the Authority aforesaid, That the Justices of the said Orphan's-Court in the said respective Counties, shall, by Virtue of this Act, have full Power and Authority to exercise all the Powers, Authorities and Jurisdictions granted or mentioned, or intended to be granted to the Orphan's-Court, in and by a Law of this Province entitled, *An Act for the better settling Intestates Estates*, and to do, execute and perform all such Matters and Things as the Orphan's-Court in the said Act, or in any other Act or Law of this Province mentioned, might or ought to have done or performed, according to the true Intent and Meaning thereof; with Power also to admit Orphans or Minors, when, and as often as there may be Occasion, to make Choice of Guardians or Tutors, and to appoint Guardians, next Friends or Tutors, over such, as the said Court shall judge too Young or Uncapable, according to the Rules of the Common-Law, to make Choice themselves; and, at the Instance and Request of the said Executors, Administrators Guardians or Tutors, to order and direct the binding or putting out of Minors, Apprentices to Trades, Husbandry, or other Employments, as shall be thought fit. And that all Guardians and *Prochein Amais*, which shall be appointed by any of the said Orphan's-Courts, shall be allowed and received, without further Admittance, to prosecute and defend all Actions and Suits relating to the Orphans or Minors, as the Case may require, in any Court or Courts of this Province.

*And to admit Or-
phans or Minors to
choose Guardians &c.*

*Persons summoned
and not appearing at
said Courts may be
punished by Imprison-
ment, &c.*

And if any Person or Persons, being duly summoned to appear in any of the said Orphan's-Courts, Ten Days before the Time appointed for their Appearance shall make Default, the Justices may send their Attachments for Contempts, and may Force Obedience to their Warrants, Sentences or Orders concerning any Matter or Thing cognizable in the same Courts, by Imprisonment of Body, or Sequestration of Lands or Goods, as fully as any Court of Equity may or can do.

Provided always, That if any Person or Persons shall be agrieved with any Definitive-Sentence or Judgement of the said

faid Orphan's-Court, it shall be lawful for them to Appeal from the same to the Supream-Court, which Appeal, upon Security given, as is usual in such Cases, shall be granted accordingly.

Appeal shall be from said Court to the Supream Court

And if any of the said Executors, Administrators, Guardians or Trustees did or shall receive and give Discharges for any Sums of Money, Debts, Rents or Duties belonging to any Orphan or Minor for whom they were or are intrusted, *It is hereby Declared and Enacted*, That all such Discharges or Receipts shall be binding to and upon the Orphan or Minor, when he or she attains to full Age, and shall be most effectual in Law to discharge the Person or Persons that take the same.

Discharges for Money, &c. by Executors, &c.

Are binding to the Orphans.

And when any of the said Minors attain to full Age, and the Person or Persons, so, as aforesaid, intrusted or concerned for them, having rendered their Accounts to the Orphan's-Court, according to the Direction of this and the said other Acts, and paid the Minors their full Due, then such Minors shall acknowledge Satisfaction in the said Court: But in Case any of them refuse so to do, then the said Court shall certify how the said Persons concerned have accounted and paid, which shall be a sufficient Discharge to the Guardians or Tutors, and to the Trustees, Executors or Administrators who shall so account and pay, and thereupon all Bonds entered in to for Payment of such Orphan's Portions shall be delivered up and cancelled.

When and how Bonds given by Executor, Guardians, &c. shall be cancelled.

Provided always and be it further Enacted by the Authority aforesaid That none of the said Orphans-Courts shall have any Power to Order or Commit the Tuition or Guardianship of any Orphans or Minors, or bind them Apprentices to any Person or Persons whose Religious Perswasion shall be different from what the Parents of such Orphan or Minor professed at the Time of their Decease, or against the Minors own Mind or Inclination, so far as he or she has Discretion and Capacity to exprefs or signify the same; or to Persons that are not of good Repute, or as others of good Credit, and of the same Perswasion, may or can be found.

Orphans &c. to be put Apprentices to those of same Religion with their Parents.

Provided also, That the Justices of the said Courts, and all others concerned in the Execution of this Act, shall have due Regard to the Direction of all *Last Wills*, and to the true Intent and Meaning of the Testator's, in all Matters and Things that shall be brought before them concerning the same.

Due regard to be had to the last Wills &c.

And be it further Enacted by the Authority aforesaid, That all such Bonds or Obligations as are by this Act, or by any other

other Law of this Province, directed and required to be given to the Register-General, and all such Bonds as by any Law are directed to be given by the Register-General, or by any other Officers or Persons in Office, whatsoever, in this Province, for the due Execution of his or their respective Offices or Employments, are hereby declared to be to and for the Use of, and in Trust for the Person or Persons concerned, and that the Benefit thereof shall be extended, from Time to Time, for the Relief and Advantage of the Party grieved by the Misfeasance or Non-feasance of the Officers that did or shall give the same.

*All Bonds, &c.
given to or by the
Register-General or
any other Officer shall
be to the Use of the
Person concerned.*

And how

And that when any of the said Bonds shall be put in Suit, and Judgment thereupon obtained, the Judgment shall remain in the same Nature the Bonds were, and that no Execution issue out thereupon before the Party grieved shall, by Writ of *Scire facias*, summon the Person or Persons against whom the said Judgment is obtained, to appear and shew Cause why Execution shall not issue upon the said Judgment. And if the Party grieved shall prove what Damages he sustained, and thereupon a Verdict be found for him, the Court of Common-Pleas, where such Suit is, shall award Execution for so much as the Jury shall then find, with Costs and no more; and the former Judgment is hereby declared still to remain cautionary for the Satisfaction of such others as shall legally prove themselves damnified, and recover their Damages in Manner aforesaid.

*And a Copy of all
such Bonds may be
had and the Original
produced in Court
on Penalty of &c.*

And the said Register-General, and all others in whose Hands the said Bonds shall be deposited or lodged, are hereby required to give any Person injured, that requests the same, a true Copy of any of the said Bonds, he paying *Three Shillings* for the same, and to produce the Original in Court upon any Trial that shall be had for the Breach of any of them, if required by the Court, and if the Person in whose Hands the said Bonds shall be lodged or come, shall refuse or delay to give Copies thereof, and produce the Original in Court, as aforesaid, he or they shall Forfeit and pay to the Party grieved treble Damages, to be recovered against the Officer that gave such Bonds, or his Sureties, by Action of Debt, Bill, Plaint or Information in any Court in this Province, where no Essoyn, Protection or Wager of Law, or any more than one Imparance shall be allowed.

Chap. 189. *An ACT for Amending divers Laws therein mentioned.* Repealed.

Chap. 190. *An ACT for the laying a Duty or Excise upon sundry Liquors, and also upon Hops, to answer several Exigencies of this Government.* Expired.

AT a General - Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the First Year of the Reign of His present Majesty King *George*, Over *Great-Britain*, *France* and *Ireland*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Fourteen, and continued by Adjournments, to the Twenty Eight of *May* One Thousand Seven Hundred and Fifteen on, which Day the following Acts were passed by *Charles Gookin*, Esq; Lieutenant Governour under *William Penn*, Esq; &c. That is to say.

Chap. 191. *An ACT of Priviledges to a Free-man*. Repealed.

CHAP. CXCII.

An ACT directing Appeals to Great-Britain.

BE it Enacted, by *Charles Gookin*, Esq; by the King's Royal Approbation, Lieutenant Governour under *William Penn*, Esq; Proprietor and Governour in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Free-men of the said Province in general Assembly met, and by the Authority of the same, That no Judgment, Sentence or Decree of any of the Supream-Courts, or Courts of Admiralty, in this Province, shall be so final, but that the Party grieved there-with may, Appeal to the King, his Heirs and Successors, so that such Appellant does deposit the Sum or Sums recovered or decreed against him, or become bound, with one or more sufficient Sureties, to the Party for whom such Judgment or Sentence is given, by Recognizance, in double the Sum adjudged to be recovered by the Sentence, Decree or Judgment of the said Courts, or any of them, *With Condition* That

Any Person may Appeal to the Supream or Admiralty Court if he depose the Sum recovered &c. or become bound &c.

Art if the Party make a bond to the King or his Heirs &c.

That the Person or Persons appealing, shall and will, within Eighteen Months next after, prosecute his or their Appeal in *Great-Britain* with Effect; and if the Judgment or Decree, be affirmed there, or that the Appellant fails in the Prosecution of his said Appeal, within the Time aforesaid, then the said Appellant, or Party in whose Name the Appeal is made, shall Pay all the Debts, Damages and Costs adjudged upon the former Judgment, Sentence or Decree; and all such Costs and Damages as shall be awarded for delaying Execution; or they the Sureties shall do the same for him, whereto the Judges, before whom the Recognizance is given, shall subscribe their Hands; and then Execution shall stay; and the Appellant, if taken in Execution, shall be discharged.

Chap. 193. *An ACT for establishing the Courts of General Quarter-Sessions in this Province.* Repealed.

Chap. 194. *An ACT for Impowering Religious Societies to buy, hold and enjoy Lands, Tenements and Hereautaments.* Repealed.

Chap. 195. *An Affirmation ACT for such, who, for Conscience sake cannot take an Oath.* Supplied.

Chap. 196. *An ACT for Corroborating the Circular-Line, between the Counties of Chester and New-Castle.* Repealed.

CHAP. CXC VII.

An ACT for the better Recovery of Fines and Forfeitures, due to the Governour and Government of this Province,

TO the End that all Fines, Forfeitures, Issues and Amerciaments which were designed, and ought to be applied towards Defraying the necessary Charge of Supporting the Administration of this Government, may be duly estreated, levied and brought into the Provincial-Stock, or Treasury, that so the same may go to the Uses intended.

All Fines and Forfeitures after 25 of March 1715 shall be certified into the Supream Court at Philadelphia, 24 of Sept. 1716.

Be it Enacted by Charles Gookin, Esq; &c. That all Fines, Issues, Amerciaments forfeited, Recognizances, Sum and Sums of Money to be paid in Lieu and Satisfaction of them, or any of them, and all other Forfeitures whatsoever, which after the Twenty Fifth Day of March, One Thousand Seven Hundred and Fifteen, shall be set, imposed, lost or forfeited in the Supream-Court of this Province, or in any Courts of Common-Pleas,

General Quarter-Sessions of the Peace and Goal-Delivery, or before any special Commissioners of Oyer and Terminer, in any County of this Province, shall, by the Justices, Prothonotaries and Clerks of the said Courts, respectively, be certified and estreated in and into the said Supream-Court to be held at *Philadelphia*, on the Twenty Fourth Day of *September*, One Thousand Seven Hundred and Sixteen, expressing the Cause of the Loss, the Court, the Nature of the Writ, and the Names of the Parties betwixt whom the said Issues and Amerciaments are lost.

And that all Fines, Issues and Amerciaments forfeited, Recognizances, Sum and Sums of Money to be paid in Lieu or Satisfaction of them, or any of them, and all other Forfeitures whatsoever arising in any of the said Courts, from the said Twenty fourth Day of *September*, One Thousand Seven Hundred and Sixteen, in every Year, to the Tenth Day of *April*, in every Year, shall be, and are hereby ordained and required to be certified and estreated in and into the said Supream-Court the last Day of every *April* Court to be held at *Philadelphia*, in every Year and from the beginning of every *April* Court, in every Year, to the beginning of every *September* Court there, on Pain that every Officer or Minister of or belonging to the said Courts, or any of them, who by this, or any other Law of this Province, ought to make Certificates or Estreats of any of the said Fines, Issues, Amerciaments and Forfeitures, making Default or offending therein, shall forfeit and pay *Thirty Pounds* current Money of this Province, for every such Default, that shall be made in certifying and estreating, as aforesaid, the one Moiety to the Use of the Governour, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered in any Court of Record in this Province by Action of Debt, Bill, or Information, wherein no Esloyn, Protection or Wager of Law, and but one Imparlance shall be allowed.

All Fines, &c. after 24 of Sept. 1715 in every Year to the 10 of April in every Year shall be estreated into the said Supream Court, the last Day of April Court.

And from the beginning of every April Court to the beginning of every September Court.

Penalty on Officer making Default.

How to be Recovered and to whom paid.

And be it further Enacted by the Authority aforesaid, That all Clerks of the Peace, Town-Clerks, and every of them within this Province, shall make and deliver, yearly, to the Sheriff of the respective County, City or Town Corporate, where the Sessions of the Peace is or shall be kept, within Ten Days after the First Day of *November*, in every Year, a true and perfect Estreat or Schedule of all Fines, Issues, Amerciaments forfeited, Recognizances, Sum and Sums of Money, and other Forfeitures whatsoever, which shall happen to be imposed, set, lost or forfeited in any of the said Sessions of the Peace respectively, which shall be held before the

Clerks of the Peace and Town Clerks to deliver yearly to the Sheriff within ten Days after the first of November, a Schedule of Fines, &c.

the said First Day of *November*, by or upon any Person or Persons whatsoever, due to the Governour or Government of this Province.

And on or before the tenth of April deliver in to the Supream Court a Duplicate of all the Schedules so delivered.

Penalty for every Default, how to be Recovered and to whom paid.

And also, Shall yearly and every Year, on or before the Tenth Day of *April*, make and deliver in to the said Supream-Court, a true and perfect Duplicate, Certificate and Estreat of all the Schedules so delivered to the said respective Sheriffs, that so they, on their Opposals in the said Supream-Court, may be charged with the Money levied and received by them, respectively, upon such Schedules delivered, as aforesaid, on Pain that every Person and Persons offending herein, for every such Default or Failure made, shall forfeit and pay *Thirty Pounds*, current Money of this Province, the one Moiety to the Use of the Governour, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered, as aforesaid.

Justices of the Supream Court shall award Procefs for levying Fines, &c.

And be it further Enacted by the Authority aforesaid, That the Justices of the said Supream-Court shall award Procefs for levying, as well of such Fines, Forfeitures, Issues and Amerciaments as shall be estreated into the said Supream-Court, as of all Fines, Forfeitures, Issues and Amerciaments which shall be lost, taxed and set there, and not paid to the Uses they shall be appropriated.

No Justice Prothonotary, Clerk or Officer of any of the said Courts shall spare take off, discharge or conceal any Indictment, Fine or Sum of Money paid in lieu,

And be it further Enacted by the Authority aforesaid, That no Justice, Officer or Minister of or belonging to any of the said Courts, nor any Prothonotary or Clerk of the said Supream, or other Courts, Clerk of the Peace, Town-Clerk, nor any Officer or Minister under them, or any of them; nor other Person or Persons whatsoever: Or shall spare, take off, discharge, or wittingly or willingly conceal any Indictment, Fine, Issue, Amerciament forfeited, Recognizance, or other Forfeiture whatsoever, exhibited, set, imposed, lost or forfeited in any of the Courts above-mentioned, or before any of the Judges, Justices or Commissioners of or belonging to the same, or any Sum or Sums of Money paid, or to be paid to any Officer or Officers, in Lieu or Satisfaction of any Fine or Forfeiture (unless it be by Rule or Order of Court, where such Indictment, Fine, Issue, Amerciament forfeited, Recognizance or other Forfeiture is, or shall be exhibited, set, imposed, lost or forfeited) nor shall any of the said Justices, Officers or Ministers aforesaid, or any other, wittingly or willingly mis-certify or estreat in or into any of the said Supream-Courts, any Fine, Issue, Amerciament forfeited, Recognizance or other Forfeiture whatsoever, whereby the Procefs

Unless by Rule of Court.

Nor Mis-certify any Fine, Issue, Amerciament, &c.

Penalty on Persons Offending.

cess of the said Supream-Courts, for the levying thereof may be made Invalid and of none Effect; but every such Justice, Officer and Minister, and all and every other Person and Persons offending herein, shall for every such Offence, forfeit and pay treble the Value of such Fine, Issue, Amerciament forfeited, Recognizance, Sum or Sums of Money, or other Forfeiture so spared, taken off, discharged, concealed, not certified, or miscertified or estreated, as aforesaid, the one Moiety thereof to the Governour, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered, as aforesaid.

To be recovered, and paid, as aforesaid.

And be it further Enacted by the Authority aforesaid, That all Clerks and Prothonotaries of the said Courts, Clerks of the Peace, Town-Clerks, and others, to whom it belongs to make Return of Estreats into the said Supream-Court, shall deliver in all and every such Estreat and Estreats upon their Oaths, or Affirmations, to be administered by one or more of the Judges of the same Court, to the Effect following, That is to say,

Estreats to be delivered into the Supream Courts upon Oath of Affirmation.

“YOU shall declare, That these Estreats now by You delivered, are truly and carefully made up and examined; and that all Fines, Issues, Amerciaments, Recognizances and Forfeitures, which were set, lost imposed or forfeited, and in Right and due Course of Law ought to be estreated in the Supream-Court of Pennsylvania, are (to the best of Your Knowledge and Understanding) herein contained; and that in the same Estreats are also contained and expressed all such Fines and Amerciaments as have been paid into the Court, from which the said Estreats are made; without any wilful or fraudulent Discharge, Omission, Misnomer or Defect whatsoever.

And be it further Enacted by the Authority aforesaid, That any Two of the Judges of the said Supream-Court, for the Time being, shall view all the said Estreats, and cause their Clerk to enrol them in the said Court; and shall hear and determine all Complaints brought before them, concerning immoderate Fines, Issues or Amerciaments, estreated, as aforesaid, and to give Relief to the Party grieved, as the Laws in Great-Britain, in such Cases, doth or shall direct.

Any two Judges of the Supream Court shall view Estreats and cause them to be enrolled.

And may give Relief, concerning immoderate Fines.

And be it further Enacted by the Authority aforesaid, That where any Fine or Fines, Sum or Sums of Money, or other Forfeitures, due to the Governour or Government of this Province, after the said Twenty fifth Day of March, One Thousand Seven Hundred and Fifteen, shall be paid

Where any Fine after 25 of March 1715. sh^l be paid to any Sher^t Jst Clerk Sec^y and Estreats, For a Bill to be to

to any Sheriff, Clerk, or other Officer or Minister whatsoever, belonging to any Court or Courts in this Province, and be, according to the Intent and Directions of this Act, certified and estreated in or into the said Supream-Court: Then, and in such Case, Process shall Issue out of the said Supream-Court, directed to the Sheriff or Coroner of the proper County, against such Officers and other Persons, to whom such Fine or Fines, Sum or Sums of Money, or other Forfeiture, is, or shall be so paid, for levying and receiving the same, that so it may appear when, to whom, and how such Monies are received, answered and paid,

All Fines levied (except for the Poor High ways, Bridges &c.

Shall be paid to, the Provincial Treasurer.

Who shall pay the same to the Uses appropriated.

Allowance of five per Cent.

This Act shall not prejudice the City Charter.

The Secretary shall on the first of Nov. yearly give an Account (to the said Treasurer) of Licences to publick Houses,

Under Penalty of Twenty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every the said Fines, Sums of Money, or other Forfeitures (excepting such as are by Law appropriated to the Poor, or for Repairing High-Ways and Bridges, or any other particular Uses, in the said respective Counties, or City of Philadelphia, which from henceforth shall be levied or received, according to the Intent and Directions of this Act) shall be paid by the Sheriff, or other Officer or Minister, who levied or received the same, to such Person as the Assembly of this Province, shall, from Time to Time, appoint Provincial-Treasurer; who shall pay the same, to the Uses the same are, or shall be respectively appropriated: And the said Treasurer shall, from Time to Time, lay an Account thereof before the Governour and Assembly, for the Time being; and shall deduct Five per Cent. for his Trouble, in receiving and paying the same.

Provided always, That nothing in this Act contained, shall extend to be any ways prejudicial to the Charter of the City of Philadelphia, but that the said City may have and enjoy the Fines and Forfeitures granted them by the said Charter, as if this Act had not been made.

And be it further Enacted by the Authority aforesaid, That the Secretary, or his Deputy, who draws Licences for keeping Publick-Houses, and selling Wine, or other Liquors, in any Town or Place of this Province, shall keep a true and just Account of the said Licences, expressing the Time when, the Persons Names to whom the same were granted, and where they live; and shall certify the same to the said Treasurer, for the Time being, on the first Day of November, in every Year, upon Pain of forfeiting and paying the Sum of Twenty Pounds, Money of this Province, for every Default or Neglect in that Behalf: The one Moiety thereof to the Governour for Support of Government, and the other Moiety to him or them that will sue for the same, to be recovered as aforesaid.

CHAP.

CHAP. CXCVIII.

An ACT for the Assigning of Bonds, Specialties and Promissory-Notes

WHEREAS it hath been held, That Bonds and Specialties under Hand and Seal, and Notes in Writing, signed by the Party who makes the same, whereby such Party is obliged, or promises to pay, unto any other Person, or his Order or Assigns, any Sum of Money therein mentioned, are not, by Law, assignable or indorstable over to any other Person, so as that the Person to whom the said Bonds, Specialties, Note or Notes is or are assigned or indorsed may in their own Names, by Action at Law, or otherwise, recover the same; therefore to the Intent to encourage Trade, Commerce and Credit,

Be it Enacted by Charles Gookin, Esq; &c. That all Bonds, Specialties and Notes in Writing, made or to be made, and signed by any Person or Persons, whereby such Person or Persons is or are obliged, or doth or shall Promise to pay to any other Person or Persons, his, her or their Order or Assigns, any Sum or Sums of Money, mentioned in such Bonds, Specialties, Note or Notes, may by the Person or Persons to whom the same is or are made payable, be assigned, indorsed and made over to such Person or Persons, as shall thing fit to accept thereof.

All Bonds, &c. may be signed to another Person.

And that the Person or Persons to whom such Bonds, Specialties or Notes are, or shall be assigned, indorsed or made over, their Factors, Agents, Executors or Assigns may at his, her or their Pleasure, again assign, indorse and make over the same, and so *Toties Quoties*.

Such Assignee may assign again.

And that it shall and may be lawful for the Person or Persons to whom the said Bonds, Specialties or Notes, are assigned, indorsed or made over, as aforesaid, in his, her or their own Name or Names, to commence and prosecute his, her or their Action at Law, for Recovery of the Money, mentioned in such Bonds, Specialties or Notes, or so much thereof, as shall appear to be due, at the Time of such Assignment, in like Manner as the Person or Persons to whom the same was or were made payable, might or could have done.

And sue in his own Name.

And in every such Action, the Plaintiff or Plaintiffs shall recover his, her or their Damages and Costs of Suit; and

Plaintiff shall recover Damages and Costs.

*But if Non-sued
&c. the Defendant
to have Costs.*

if such Plaintiff or Plaintiffs shall be Non-sued, or a Verdict be given against him, her or them, the Defendant or Defendants, shall recover his, her or their Costs, against the Plaintiff or Plaintiffs.

*And may sue out
Execution, &c.*

And every such Plaintiff or Plaintiffs, Defendant or Defendants respectively recovering, may sue out Execution, for such Damages and Costs, in the like Manner as is usual for Damages and Costs in other Cases.

*Within what Time
Actions on promissory
Notes shall be brought*

Page 123, Antc.

And be it further Enacted by the Authority aforesaid, That all and every such Actions, on such promissory Notes, shall be commenced, sued and brought within such Time as is appointed for commencing or suing Actions upon the Case, by and Act of this Province, passed in the Eleventh and Twelfth Years of the late Queen Anne, Entituled, *An Act for Limitation of Actions.*

*No Power given by
this Act to issue Notes
than, &c.*

Provided always, That no Person or Persons shall have Power by Virtue of this Act, to make, issue or give out any Bonds, Specialties or Notes, by themselves or Servants, than such as they might have made, issued and given out, if this Act had never been made.

*Assignments, &c.
under Hand & Seal.*

And that all Assignments, to be made, of Bonds and Specialties, shall be under Hand and Seal, before Two or more credible Witnesses.

*After Assignment the
Assignor not to release.*

Provided also, That it shall not be in the Power of the Assignors, after Assignment made as aforesaid, to Release any of the Debts or Sums of Money, really due by the said Bonds, Specialties or Notes.

CHAP. CXCIX.

An ACT for Acknowledging and Recording of Deeds.

*An Office of Record
in each County for re-
cording of Deeds.*

BE it Enacted by Charles Gookin, Esq, &c. That there shall be an Office of Record in each County of this Province, called and stiled, *The Office for Recording of Deeds*, and shall be kept in some convenient Place in the said respective Counties; and the Recorder shall duly attend the Service of the same, and at his own proper Costs and Charges shall provide Parchment, or good large Books of Royal or other large Paper, well bound and covered, wherein he shall Record,

Record, in a fair and legible Hand, all Deeds and Conveyances which shall be brought to him for that Purpose, according to the true Intent and Meaning of this Act.

And be it further Enacted by the Authority aforesaid, That all Bargains and Sales, Deeds and Conveyances of Lands, Tenements and Hereditaments in this Province, may be Recorded in the said Office; but before the same shall be so Recorded, the Parties concerned shall procure the Grantor or Bargainer named in every such Deed, or else two or more of the Witnesses (who were present at the Execution thereof) to come before one of the Justices of the Peace, of the proper County or City where the Lands lie, who is hereby empowered to take such Acknowledgment of the Grantor, if one, or one of the Grantors, if more.

All Deeds and Conveyances may be recorded in the said Office.

After the Grantor or Witnesses have proved the Execution of such Deed before one Justice of the Peace.

But in Case the Grantor be Dead, or cannot appear, then the Witnesses brought before such Justice, shall be by him examined upon Oath or Affirmation, to prove the Execution of the Deed then produced; Whereupon the same Justice shall, under his Hand and Seal, certify such Acknowledgment or Proof, upon the Back of the Deed, with the Day and Year when the same was made, and by whom: And that after the Recorder has recorded any of the said Deeds, he shall certify, on the Back thereof, under his Hand and Seal of his Office, the Day he entred it, and the Name or Number of the Book or Roll and Page where the same is entred.

If the Grantor be Dead the Witnesses to be upon Oath, &c.

The Justices to certify on the Back of the Deed such Acknowledgment.

And the Recorder the Day and Number of the Roll.

And be it further Enacted by the Authority aforesaid, That all Deeds and Conveyances made and granted out of this Province, and brought hither and recorded in the County where the Lands lie, (Execution thereof being first proved by the Oath or Affirmation of one or more of the Witnesses thereunto, before one or more of the Justices of the Peace of this Province, or before any Mayor or chief Magistrate or Officer of the Cities, Towns or Places where such Deeds or Conveyances are or shall be made or executed, and accordingly certified under the Common or Publick-Seal of the Cities, Towns or Places where such Deeds or Conveyances are so proved, respectively) shall be as valid as if the same had been made, acknowledged and proved in the proper County where the Lands lie in this Province.

Deeds made out of this Province, proved and recorded shall be valid, &c.

And be it further Enacted by the Authority aforesaid, That all Deeds and Conveyances made or to be made, and proved or acknowledged and recorded, as aforesaid, which shall appear so to be, by Indorment made thereon, according to the

Deeds so acknowledged and recorded shall be of the same Force as Deeds of Feoffment or enrolled in Great-Britain.

Copies Sec. of such Deeds being certified by the Recorder, valid as the Originals.

the true Intent and Meaning of this Act, shall be of the same Force and Effect here, for the giving Possession and Seizen, and making good the Title and Assurance of the said Lands, Tenements and Hereditaments, as Deeds of Feoffment, with Livery and Seizen, or Deeds enrolled in any of the King's Courts of Record at *Westminster*, are, or shall be in the Kingdom of *Great-Britain*. And the Copies of Exemplifications of all Deeds so enrolled, being examined by the Recorder, and certified under the Seal of the proper Office, (which the Recorder, or Keeper thereof, is hereby required to affix thereto) shall be allowed in all Courts where produced, and are hereby declared and enacted to be as good Evidence, and as valid and effectually in Law, as the Original Deeds themselves, or as Bargains and Sales enrolled in the said Courts at *Westminster*, and Copies thereof can be; and the same may be sued, pleaded and made Use of accordingly.

In Deeds in Fee-simple, the Words grant, Bargain, sell to be an express Covenant, that the Estate was free from Incumbrances, &c.

And the Grantee may assign Breaches as if Covenants were inserted.

And be it further Enacted by the Authority aforesaid, That all Deeds to be recorded in Pursuance of this Act, whereby any Estate of Inheritance in Fee-simple, shall hereafter be limited to the Grantee and his Heirs, the Words, [Grant, Bargain, Sell] shall be judged an express Covenant to the Grantee, his Heirs and Assigns, To wit, That the Grantor, was seized of an indeafezable Estate, in Fee-simple, freed from all Incumbrances done or suffered from the Grantor, (excepting the Rents and Services due to the Lord of the Fee) as also for quiet Enjoyment against the Grantor, his Heirs and Assigns, (unless limited by express Words contain'd in such Deeds) and that the Grantee, his Heirs, Executors, Administrators and Assigns may, in any Action, assign Breaches, as if such Covenants were expressly incerted.

Leases at Rack-Rent, and not exceeding 21 Years excepted.

Provided always, That this Act shall not extend to Leases at Rack-Rent, or to Leases not exceeding One and twenty Years, where the actual Possession goes with the Lease.

The Penalties against Forgers of said Acknowledgments, or Persons guilty of Perjury.

And be it further Enacted by the Authority aforesaid, That if any Person shall Forge any Entry of the said Acknowledgments, Certificates or Indorsements, whereby the Free-hold or Inheritance of any Man may be charged, he shall be liable to the Penalties against Forgers of false Deeds, &c. And if any Person shall Perjure himself in any of the Cases herein above-mentioned, he shall incur the like Penalties, as if the Oath or Affirmation had been in any Court of Record.

And

And be it further Enacted by the Authority aforesaid, That no Deed or Mortgage, or defeazable Deed, in the Nature of Mortgages, hereafter to be made, shall be good or sufficient to pass any Free-hold or Inheritance, or to grant any Estate therein for Life or Years, unless such Deed be acknowledged or proved, and recorded within Six Months after the Date thereof, where such Lands lie, as herein before directed for other Deeds.

No Mortgage good unless acknowledged and recorded in six Months.

And be it further Enacted by the Authority aforesaid, That any Mortgagee of any real or personal Estate in this Province, having received full Satisfaction and Payment of all such Sum and Sums of Money as are really due to him by such Mortgage, shall, at the Request of the Mortgager, enter Satisfaction upon the Margin of the Record of such Mortgage recorded in the said Office, which shall forever thereafter Discharge Defeat and Release the same; and shall likewise Bar all Actions brought or to be brought thereupon.

Mortgagee having received his Money, shall enter Satisfaction on the Margin of the Record.

And if such Mortgagee, by himself or his Attorney, shall not within Three Months after Request and Tender made for his reasonable Charges, repair to the said Office, and there make such Acknowledgment, as aforesaid, he, she or they neglecting to do, shall for every such Offence, forfeit and pay unto the Party or Parties agrieved, any Sum not exceeding the Mortgage Money, to be recovered in any Court of Record in this Province by Bill, Complaint or Information.

Penalty for not making such Acknowledgment, &c.

And be it further Enacted by the Authority aforesaid, That Charles Brockden, shall be Recorder of Deeds for the City and County of Philadelphia, and the several Prothonotaries or County-Clerks of Bucks and Chester, in this Province, shall be Recorders of Deeds for the said respective Counties, who shall continue in their said Office until a Majority of the Justices of the Courts of Quarter-Sessions, in the said respective Counties, shall see Occasion to remove them, and appoint others in their Places. But before any of the said Recorders enter upon their respective Offices, they shall find Sureties, as follows, viz. The said Recorder of Deeds for the County and City of Philadelphia, shall become bound to the Governour of this Province, for the Time being, with one or more sufficient Sureties, in a Bond of Five Hundred Pounds, Conditioned for the true and faithful Execution of his Office, and for Delivering up the Records and other Writings belonging to the said Office, whole, safe and undamaged to his Successor in the

What Persons shall be Recorder of Deeds, in a Major part of the Justices appoints others.

Recorders to give Security, &c.

*And to be filed in
the Secretary's Office
&c.*

the said Office. And the said County-Clerks of *Bucks* and *Chester*, shall each of them, with one or more Sureties, become bound, as aforesaid, in a Bond of *Two Hundred Pounds*, Conditioned as aforesaid; which said respective Bonds shall be filed in the Secretary's Office, and there safely kept, in order to be made Use of, for making Satisfaction to the Parties that shall be damnified or agrieved, as is or shall be, in such Cases, directed by the Laws of this Province.

*Penalty on Recorder
for entering on his
Office before Security
given.*

And no Recorder of Deeds whatsoever, now or hereafter appointed, as aforesaid, shall enter upon or officiate in the said Office before he hath given such Security, as aforesaid, upon Pain of forfeiting the Sum of *One Hundred Pounds*, the one Half to the Governour, for Support of Government, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid.

*Fees allowed to the
said Recorders.*

And be it further Enacted by the Authority aforesaid, That the said Recorders, respectively, shall have and receive for recording, and for copying or exemplifying all Deeds, Conveyances and Writings entered in the said Office, One Halfpenny, for every Line containing not less than Twelve Words; and for every Search One Shilling; and for every acknowledging Satisfaction, in the Margin of a Mortgage, recorded as aforesaid, One Shilling; and shall have and receive for affixing the Seal to every Exemplification, One Shilling; and for the Seal of the Office and Indorsement of Certificate on each Deed acknowledged, and his Hand thereto, One Shilling and Six Pence.

Penalty for exacting.

And if any of the said Recorders shall exact or take more, or greater Fees, he or they so offending, shall, for every Offence, forfeit and pay the Sum of *Five Pounds*, one Half thereof to the Governour, for Support of Government, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid.

Chap. 200. *An ACT for the Ease of such as conscientiously Scruple to take the Solemn Affirmation formerly allowed in Great-Britain. Repealed.*

Chap. 201. *An ACT for continuing a Friendly Correspondence with the Indians. Expired.*

CHAP. CCII.

An ACT for better Determining of Debts and Demands under Forty Shillings, and for laying aside the Two Weeks Court in the City of Philadelphia.

WHEREAS the several Laws of this Province for Determining of small Debts, without Formality of Trial, were designed for the Ease and Conveniency of the Subject; but Complaint is made by many of the Inhabitants of the City and County of Philadelphia, That the Manner of putting the same in Execution by some of the said City Magistrates and Officers, proves very Chargeable and Inconvenient: For Remedy whereof.

Be it Enacted by Charles Gookin, Esq; &c. That upon Complaint made to any Justice of the Peace in this Province, against any Person or Persons, for any Debt or Demand under *Forty Shillings*, it shall and may be lawful for such Justice, and he is hereby impowered and required to issue forth his Warrant, in the nature of a Summons, Capias, or Attachment, as the Case may require, directed to the Constable of the Township or District where the Defendant dwells or can be found, Commanding him to bring, or cause such Defendant to come with the Plaintiff before him, or the next Justice, forthwith; and when such Justice hath heard the Proofs and Allegations of both Parties (or such of them as will be present) he shall forthwith give Judgment in the Matter, which shall be Final and Conclusive to both Complainant and Defendant, without further Appeal. But the Justice that gives such Judgment, shall keep fair Entries of the Names of the Complainants and Defendants, and the Debt or Sum contained in such Judgment, with the Day and Year when the same was given. And Execution, if required, shall be awarded by the Justice, against the Body and Goods, or Effects of the Defendant, or Person refusing to comply with such Judgment, directed to the Constable; but if the Defendant produceth Effects sufficient to satisfy the Sum, contained in such Execution, his Body shall not be held any longer. But for want of such Effects, the Constable is hereby required to take such Defendant into the Goal of the proper County; and the Sheriff or Keeper of such Goal is hereby required to receive the Person so taken in Execution, and him safely keep till the Sum Recovered, with Costs, be paid, or Satisfaction made by Goods or otherwise, which

Any Justice on Complaint may issue his Warrant to the Constable for Debts under Forty Shillings.

And shall give Judgment, which shall be Final.

Justices to keep Entries of such Judgments.

Execution shall be awarded against Body and Goods.

If Effects be produced, the Body not to be held.

For want of Effects the Body to be imprisoned, &c.

Goods

Goods to be sold in
3 Days returning the
Over plus.

Goods shall, within three Days after be Sold at publick Vendue, and the Over-plus, if any, after reasonable Charges deducted, returned to the Owner.

No Court to have
Cognizance of any
Debts under 40s. nor
be determined any other
way than this Act
directs.

And be it further Enacted by the Authority aforesaid, That no Court in this Province shall have Cognizance of any of the said Debts or Demands under *Forty Shillings*, nor shall the same be Determined, by any Justice or Magistrate, any other way than this Act directs, any Law, Ordinance or Usage to the Contrary in any wise notwithstanding.

Repeal of the City
Ordinances and By-
Laws for Determining
of small Debts.

And be it further Enacted by the Authority aforesaid, That all and every the Ordinances and By-Laws of the said City, made, or pretended to be made, for the better executing the said Laws, for Determining of small Debts, and for Erecting a Court or Courts for that Purpose, shall be and are hereby declared to be Null and Void; and that all and every the said Courts so erected, usually held by the Mayor or Recorder, with one or more of the Aldermen of the said City, commonly called, *The Forty Shillings*, or *Two Weeks Court*, or by what Name soever the same may be called; and all Jurisdiction and Authority belonging to or exercised in the said Courts, or by any of the Magistrates or Ministers thereof, in Hearing and Determining Debts or Demands therein of *Forty Shillings* and under, be clearly and absolutely Dissolved, Taken away and Abolished.

The 40s. Court
dissolved.

Repeal of all Laws
except Attachments,
for determining Debts
under 40s.

And that all the Laws or Acts of Assembly of this Province, heretofore made for determining Debts of *Forty Shillings*, or under, (save a Law, entitled, *An Act about Attachments under Forty Shillings*, past in the Twelfth Year of the late King *William the Third*) and every Matter, Clause and Thing therein contained, shall be, and are hereby Declared to be Repealed, Annulled, and forever made void, any thing in the said Acts to the Contrary in any wise notwithstanding.

No Justice to hear
any Debts for Rents
or Contracts for real
Estate.

Provided always, That nothing herein contained shall extend to enable any of the said Justices of the Peace within the respective Counties of this Province, nor any of the Magistrates of the City of *Philadelphia*, within the same City, to hear any Debt for Rents, or Contracts for real Estates.

Chap. 203. *An ACT for Erecting a Supreme or Provincial Court of Law or Equity in this Province.* Repealed

Chap. 204. *An ACT for Establishing the several Courts of Common-Pleas in this Province.* Repealed.

Chap. 205. *An ACT for the better Ascertaining the Practice of the Courts of Judicature within this Province.* Repealed.

Chap.

Chap. 206. *An ACT for Raising a Supply of One Penny in the Pound, and Four Shillings a Head, and for Reviving other Acts therein mentioned.* Expired.

Chap. 207. *An ACT for Regulating and Establishing Fees. Supplied.*

Chap. 208. *An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder and Hops, Imported into this Province.* Expired.

Chap. 209. *An ACT for laying a Duty on Negroes, Imported into this Province.* Expired.

AT a General-Assembly begun at Philadelphia, in the Province of Pennsylvania, the Fourteenth Day of October, in the Second Year of the Reign of our Sovereign Lord George King of Great-Britain, &c. Annoq; Domini, One Thousand Seven Hundred and Fifteen, and continued by Adjournment until the Nine and Twentieth Day of the same Month, on which Day the following Acts were passed by Charles Gookin, Esq; by the Royal Approbation Lieutenant Governour under William Penn, Esq; Proprietary and Governour in Chief of the said Province, That is to say.

Chap. 210. *An ACT to Enlarge the Time for putting in Execution a Law, past in the last Sessions of Assembly, held for this Province, Entituled, &c. An Act for Raising a supply of One Penny in the Pound, and Four Shillings a Head; and for Reviving other Acts therein mentioned, Obsolete.*

Chap. 211. *An ACT for Reviving of Actions and Procefs, lately depending in the Courts of the County of Chester, and for Supplying other Defects, relating to Proceedings at Law, in all the Courts of Common-Pleas in this Province.*

AT a General-Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Nineteenth Day of *August* in the Fourth Year of the Reign of our Sovereign Lord *George* King of *Great-Britain, &c.* *Annoq; Domini*, One Thousand Seven Hundred and Seventeen, and continued by Adjournment until the Twenty Fourth Day of the same Month, on which Day the following Acts were passed by *William Keith*, Esq; by the Royal Approbation Lieutenant Governour under *William Penn*, Esq; Absolute Proprietary and Governour in Chief of the said Province, That is to say.

Chap. 212. *An ACT for raising a Supply of One Penny per Pound and Four Shillings a Head.* Expired.

CHAP. CCXIII.

An ACT for the better Regulating of Elections of Sheriffs, Coroners and Assessors.

WHEREAS the Manner of carrying on the said Elections, differing from the peaceable Method established for chusing Members of Assembly, has occasioned some Disorders and Tumults, which should be avoided for the Future;

Recital.

Who have Right of Electing or being Elected Sheriffs Coroners or Assessors.

Therefore it is Enacted by William Keith, Esq; by the King's Royal Approbation Lieutenant Governour under William Penn, Esq; Proprietor and Governour in Chief of the Province of Pennsylvania, by and with the Advice and Consent of the Free-men of the said Province in General-Assembly met, and by the Authority of the same, That such Persons as have no Right to Elect or to be elected, according to a Law of this Province, made in the Fourth Year of the late Queen Ann's Reign, (Entituled, An Act to ascertain the Number of Members of Assembly

sembly and, to regulate the Elections) shall not have any Right of electing, or being elected Sheriffs, Coroners or Assessors, in or for any County of this Province.

And that all and every Person and Persons, who, by Virtue of the said Act, shall, from Time to Time, come to elect Representatives to serve in Assembly, shall deliver, in Writing to the Judges of those respective Elections, in one Piece of Paper, distinctly Written; as well the Names of Eight Persons for whom they Vote to serve in Assembly, as also the Names of a double Number of such Persons as they would have to be Sheriffs and Coroners; and also the Names of Six Persons to be Assessors, for each County in this Province.

Altered by the 11th Georgii,

And that the Persons who by Majority of Votes given, according to the Direction of this Act, shall be chosen for Sheriffs and Coroners in the said respective Counties shall be returned, presented and impowered to serve and act in their respective Offices, in Manner and Form, and under the Penalties, Qualifications and Directions specified in a Law of this Province, Entituled, *An Act for Regulating Elections of Sheriffs and Coroners*; and the Persons so, as aforesaid, chosen to be Assessors for the said respective Counties, shall be returned and entered on Record at the Court of Quarter-Sessions in the proper County, next after every such Election, according to the Tenor and Intent of the Law, Entituled, *A Act for raising County-Lewies*, and shall be enabled to act as Assessors pursuant to the Powers given them by that or any other Act or Law of this Province.

The Electors for Sheriffs, Coroners, and Assessors how to be Qualified.

And be it further Enacted by the Authority aforesaid, That the Inhabitants and Free-holders of the City of Philadelphia, shall observe and use the same Method in choosing their Assessors, as is herein above directed, for the Choice of other Assessors.

City of Philadelphia, how to choose their Assessors.

And be it further Enacted by the Authority aforesaid, That all and every the above-mentioned Acts, and all other Acts of Assembly relating to the said Elections, and all the Powers, Provisions, Penalties, Clauses, Matters and Things therein contained (except only such Part and Parts thereof, touching which other Provision or Alterations are hereby made) shall continue and be in full Force, as if the same were Repeated and Re-enacted in the Body of this Act.

The recited act relating to Elections and all Powers, &c. (excepted, &c.) to be of Force as if re-enacted.

Chap. 214. *An ACT for laying a Duty upon Sundry Liquors retailed in this Province, Expired.*

Chap. 215. *An ACT for the more Effectual raising of County Rates and Lewies, Supplied.*

CHAP. CCXVI.

*An ACT for the Advancement of Justice,
and more certain Administration thereof.*

*Recital of the
Royal Charter.*

WHEREAS King *Charles* the Second by his Royal Charter to *William Penn*, Esq; for erecting this Country into a Province, did declare it to be his Will and Pleasure, That the Laws for Regulating and Governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as for the Enjoyment and Succession of Goods and Chattles; and likewise as to Felonies, should be and continue the same as they should be, for the Time being, by the general Course of the Law in the Kingdom of *England*, until the said Laws shall be altered by the said *William Penn*, his Heirs or Assigns, and by the Free-men of the said Province, their Delegates or Deputies, or the greater Part of them.

*The Common Law
extends here.*

And whereas it is a settled Point, as the Common Law is the Birth-Right of *English* Subjects, so it ought to be their Rule in *British* Dominions: But Acts of Parliament have been adjudged not to extend to these Plantations, unless they are particularly named in such Act.

Now forasmuch as some Persons have been encouraged to transgress certain Statutes against Capital Crimes and other Enormities, because those Statutes have not been hitherto fully extended to this Province.

Therefore lest there should be any further Failure in that Behalf, may it please the Governour, that it may be Enacted, And

Trials of High Treason.

Be it Enacted, by *William Keith*, Esq; by the King's Royal Approbation, Deputy, Lieutenant and Governour under the said *William Penn*, Esq; Proprietary and Governour in Chief of the Province of *Pennsylvania*, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That all Inquests and Trials of *High Treason* shall be according to due Order and Course of the Common Law, observing the Directions of the Statute Laws of *Great-Britain*, relating to the Trials, Proceedings and Judgments in such Cases.

And be it further Enacted by the Authority aforesaid, That the Inquiries and Trials of all *Petty Treasons*, *Misprisions of Treasons*,

Treasons, Murder, Man-Slaughters, Homicides and all such other *Crimes and Misdemeanours*, as by this Act or any other Act of Assembly of this Province, are or shall be made Capital, or Felonies of Death (which have been or shall be done, committed, perpetrated or happen within this Province) shall be as by this Act is directed. *Trials of petty Treason Murder and other Capital Crimes.*

And whereas, the several Crimes declared by this Act to be Felonies of Death, are by the Course of the Laws of that Part of *Great-Britain*, called *England*, to be enquired of and tried by Justices, Juries and Witnesses upon their Oaths. *Trials in England upon Oaths.*

But forasmuch as the greater Part of the Inhabitants of this Province are such who for Conscience sake cannot take an Oath in any Case, yet without their Assistance Justice cannot be well administered, and too great a Burthen will fall upon the other Inhabitants, *The greater Part of the Inhabitants cannot take Oaths.*

Be it therefore Enacted by the Authority aforesaid, That all and all Manner of Crimes and Offences, Matters and Causes whatsoever to be enquired of, heard, tried and determined by Virtue of this or any other Act or Law of this Province, or otherwise, shall and may be enquired of, heard, tried and determined by Judges, Justices, Inquests and Witnesses qualifying themselves according to their conscientious Perswasion, respectively, either by taking a Corporal Oath, or by taking the Solemn Affirmation allowed by Act of Parliament to those called *Quakers*, in *Great-Britain*, *All Crimes to be tried upon Oath or Affirmation.*

Which Affirmation of such Persons as conscientiously refuse to take an Oath, shall be accounted and deemed in the Law to have the full Effect of an Oath, in any Case whatsoever in this Province. *Affirmation to have the Effect of an Oath.*

And that all such Persons as shall be convicted of falsely and corruptly affirming or declaring any Matter or Thing, which if the same had been upon Oath, would by Law amount to wilful and corrupt Perjury, shall incur the same Penalties, Disabilities and Forfeitures, as Persons convicted of wilful Perjury do incur by the Laws of *Great-Britain*. *False Affirmations to be punished as Perjury.*

And that upon all Trials of the said Capital Crimes, lawful Challenges shall be allowed, and learned Council assigned to the Prisoners, and shall have Process to compel Witnesses to appear for them upon any of the said Trials. But before such Witnesses shall be admitted to depose or give any *Upon Trial of Capital Crimes Challenges to be allowed and Council assigned to Prisoners and Process to bring in Witnesses for them.*

*If such Witnesses
be convicted of Per-
jury shall be punished
accordingly.*

any Manner of Evidence, they shall first take an Oath or Affirmation, *To say the Truth, the whole Truth, and nothing but the Truth*, in such Manner as the Witnesses for the King are by the Laws of this Province obliged to do; and if convicted of any wilful Perjury, in such Evidence, shall suffer all the Punishments, Penalties, Forfeitures and Disabilities which by any of the Laws and Statutes of *Great-Britain* are or may be inflicted upon Persons convicted of wilful Perjury.

*Persons standing
Mute, &c.*

*Suffer as Felons
convict.*

*And lose the Be-
nefit of Clergy.*

But if any of the said Prisoners shall upon their Arraignment, for any of the said Crimes stand Mute, or not answer directly, or shall peremptorily Challenge above the Number of Twenty Persons returned to serve of the Jury, he or they so offending shall suffer as a Felon convict; and shall loose the Benefit of Clergy and of this Act, in the same Manner as he or they should have done if they had been indicted, arraigned and found Guilty, if it appear to the Justices, before whom such Felons be arraigned, by Evidence given before them, or by Examination, that the same Felonies whereon they are so arraigned, had been such Felonies by Reason whereof they should have lost the Benefit of their Clergy.

*Persons convict to
suffer as in England.*

And when any Person or Persons shall be so, as aforesaid, convicted or attainted of any of the said Crimes, they shall suffer as the Laws of *Great - Britain*, now do, or hereafter shall, direct and require in such Cases respectively.

*The Justices to
give Judgment ac-
cordingly.*

And it shall and may be lawful for the Justices of the Court where any of the said Attainders or Convictions shall happen, to give and pronounce such Judgment or Sentence against the Persons so attainted or convicted, as their Crimes respectively require, according to the Manner, Form and Direction of the Laws of that Part of *Great-Britain*, called *England*, in the like Cases; and thereupon to award and order Execution to be done accordingly.

*Persons convict of
Sodomy, Buggery,
Rape or Robbery
shall suffer as Felons*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall commit Sodomy or Buggery or Rape or Robbery; which Robbery is done by assaulting another on or near the High-Way, putting in fear, and taking from his Person, Money or other Goods, to any Value whatsoever, he or they so offending or committing any of the said Crimes within this Province, their Counsellors, Aiders, Comforters and Abettors being convicted thereof, as abovesaid, shall suffer as Felons, according to the Tenor,

Tenor, Direction, Form and Effect of the several Statutes in such Cases respectively made and provided in *Great-Britain*, any Act or Law of this Province, to the Contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Woman shall be delivered of any Issue of her Body, Male or Female, which being born alive, should by the Law be deemed a Bastard, and that she endeavour privately, either by drowning or secret Burying thereof, or any other Way, either by her self or the procuring of others so to conceal the Death thereof, as that it may not come to Light, whether it were born alive or not, but be concealed, in every such Case the Mother so offending being convicted thereof, according to the usual Course of Proceeding in Capital Crimes within this Province, shall suffer Death, as in Case of Murder; except such Mother can make Proof, by one Witness at the least, that the Child (whose Death was by her so intended to be concealed) was born Dead.

It shall be Murder in Women to conceal the Death of their Bastards.

And if any Person or Persons shall Counsel, Advise or Direct such Woman to kill the Child she goes with, and after she is delivered of such Child, she kills it; every such Person so advising or directing, shall be deemed Accessary to such Murder, and shall have the same Punishment as the Principal shall have.

Accessaries to such Murder.

And be it further Enacted by the Authority aforesaid, That the Statute against Stabbing, made in the first Year of the Reign of King James the First, Chapter the Eight, Entituled, An Act to take away the Benefit of the Clergy for some kind of Man-Slaughter, shall be duly observed and put in Execution in this Province, and be of like Force and Effect as if the same Act were here Repeated and Enacted; but that all such Persons as shall happen to be present and aiding to the Stabbing another, which by the said Act is made Murder, shall not be deemed Principals, but Accessaries to such Stabbing.

The Statute against Stabbing extended here.

Accessaries.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons on Purpose, and of Malice, Forethought, and by laying in Wait, shall unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off the Nose or Lip, or cut off or disable any Limbs or Members of any of the King's Subjects, with Intention in so doing to Maim or Disfigure in any of the Maimers before mentioned, such his Majesty's Subjects, that then and

Persons convicted for cutting out or disabling the Tongue or other Member shall suffer as Felons.

in every such Case, the Person or Persons so offending, their Counsellors, Aiders and Abettors, knowing of and privy to the Offence, as aforesaid, shall suffer Death, as in Cases of Felony without Benefit of Clergy.

*The Statute against
Conjurat[i]on &c. ex-
tended.*

And be it further Enacted by the Authority aforesaid, That another Statute made in the first Year of the Reign of King James the First, Chapter the Twelfth, Entituled, An Act against Conjurat[i]on, Witch-craft and dealing with Evil and Wicked Spirits, shall be duly put in Execution in this Province, and of like Force and Effect as if the same were here Repeated and Enacted,

*Persons convicted of
Burglary shall suffer
Death without Cler-
gy.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be so, as aforesaid, convicted of Burglary; which is a Breaking and Entering into the dwelling House of another in the Night time, with an Intent to kill some reasonable Creature, or to commit some other Felony within the same House, whether the felonious Intent be executed or not, he or they so offending within this Province, being convicted thereof, as aforesaid, shall suffer Death without Benefit of Clergy, any Law, of this Province to the Contrary notwithstanding.

*Persons convicted
of burning Houses,
&c. shall suffer
Death.*

And if any Person or Persons shall be so, as aforesaid, convicted of Maliciously and Voluntarily burning the Dwelling-House, Barn, Stable or Out-House of another, having Corn or Hay therein, he or they so offending within this Province, shall suffer Death, any Law of this Province, to the Contrary notwithstanding.

*If Persons be con-
victed of Capital
Crimes or stand mute
or Challenge above
20. &c.*

And be it further Enacted by the Authority aforesaid, That if any Principal Offender in any Capital Crime (which by the Laws of this Province, for the Time being, is made Felony of Death, shall be convicted of any such Felony, or shall stand mute, or peremptorily Challenge above the Number of Twenty Persons returned to serve of the Jury. It shall and may be lawful to proceed against any Accessary, either before or after the Fact, in the same Manner as if such Principal Felon had been attainted thereof, notwithstanding any such Principal Felon shall be admitted to the Benefit of his Clergy, pardoned or otherwise delivered, before Attainder; and every such Accessary shall suffer the same Punishment, if he or she be convicted, or stand mute, or peremptorily Challenge above the Number of Twenty Persons returned to serve of the Jury, as he or she should have suffered, if the Principal had been attainted.

*Their Accessaries
shall be proceeded a-
gainst as if the Prin-
cipal Felon had been
attainted, &c.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall receive, harbour or conceal any of the said Robbers or Burglars, Felons or Thieves, or shall receive or buy any Goods or Chattles, that shall be feloniously taken or stollen by any such Robbers or Burglars, Felons or Thieves, knowing the same to be stollen; and being so, as aforesaid, convicted of either of the said Offences, if he or they pray to have the Benefit of this Act, in Lieu of Clergy, Judgment of Death shall not be given against them upon such Conviction, nor Execution awarded upon any Outlawry for such Offence, but they shall be Burnt in their Hands, in Manner as herein after directed.

Persons convicted of receiving or concealing Robbers Burglars &c. if they pray the Benefit of this Act in Lieu of Clergy shall not suffer Death.

Provided always, That if any such Principal Robber or Burglar, Felon or Thief, cannot be taken, so as to be prosecuted and convicted for any such Offence; nevertheless it shall be lawful to prosecute and punish every such Person and Persons Buying or Receiving any Goods stollen by any such Principal Felon, knowing the same to be stollen, as for a Misdemeanour, to be punished by Fine and Imprisonment, or other such Corporal Punishment as the Court shall think fit to inflict, altho' the Principal Felon be not before convict of the said Felony: Which Punishment shall exempt the Offender from being punished as Accessary, if such Principal Felon shall afterwards be taken and convicted.

If the Principal Felon cannot be taken their Accessories to be punished by Fine &c. tho' the Principal Felon be not before convicted.

Which Punishment shall exempt the Offender from being Accessary.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons who have been indicted or appealed, or hereafter shall be indicted or appealed for any of the said Crimes, did not, or will not appear to Answer such Indictment or Appeal; the Justices before whom the same hath been or shall be taken, shall award a Writ called *Capias*, against every such Offender, directed to the Sheriff of the County where the Party indicted or appealed are, by such Indictment or Appeal, supposed to be conversant or inhabit, returnable before the Justices of that Court, where such Party is or shall be so indicted or appealed, at the Supream or Provincial Court next after the taking of such Indictment or Appeal; by which Writ of *Capias* the same Sheriff shall be commanded to take the Body of him or them so indicted or appealed, if he or they can be found in his Bailwick; and if he or they cannot be found, the Sheriff shall make Proclamation in every Court of Quarter-Sessions which shall be held for the said County where the said Party indicted or appealed is supposed to inhabit or be conversant, as aforesaid, That he or they being so indicted

If Persons indicted &c. will not appear,

Capias shall be awarded.

If not found the Sheriff to make Proclamation in Quarter Sessions.

That the Offender appear at the Supream Court on the Return of the Capias on Answer &c. Or otherwise to be outlawed and forfeit &c.

or appealed shall appear before the said Justices at the said Supream-Court, on the Day of the Return of the said Writ of Capias, to Answer our Lord the King, or to the Party, of the Treason, Felony or Trespas whereof he or they are so indicted or appealed. Which Writ shall be delivered to the said Sheriff or Sheriffs three Months before the Return thereof; after which Writ of *Capias* so served and returned, if he who is so indicted or appealed, comes not at the said Day of Return of the said *Capias*, and yield his Body to the Sheriff, he shall be by the Justices of the said Supream-Court, Pronounced *Out-law'd*, and *attainted of the Crime whereof he is so indicted or appealed*, as aforesaid. And from That Time shall Forfeit and Loose all his Lands and Tenements, Goods and Chattles Which Forfeiture, and all other Forfeitures expressed or implied by the Judgments to be given upon the said Capital Offences, mentioned in this Act, after such Criminals just Debts and reasonable Charges of their Maintenance in Prison, are deducted, shall go one Half to the Governour, for the Time being, towards Support of this Government, and for defraying the Charges of Prosecution, Trial and Execution of such Criminals; and the other Half or Residue thereof shall go to such Criminal's Wife and Children equally; but if he leaves no Wife or Children, then to the next of his Kindred not descending lower then the second Degree, to be claimed within Three Years after the Death of such Criminals; otherwise the same shall go to the Governour, as aforesaid, any Law or Usage to the Contrary notwithstanding.

All Forfeitures for &c. one Half to the Governour, &c.

And the other Half to the Criminal's Wife and Children.

If no Wife or Children then to the Governour.

Persons charged or convicted being indebted may be arrested or attached to answer such Debts,

And Judgment of Execution may go against such Defendants Lands and Chattles.

Provided always, and be it further Enacted by the Authority aforesaid, That where any Person or Persons charged, committed to Prison, or convicted of any of the said Capital Crimes, being justly indebted to any other Person or Persons, he or they so indebted may be arrested; or their Goods and Chattles attached to answer the Suits of their respective Creditors, who making due Proof that the Debts or Sums demanded, are really, and without Fraud, due; shall recover Judgment for the same, and Executions may be awarded against the Lands, Goods and Chattles of such Defendants, as is usual in other Cases.

Provided also, That he or they who shall happen to break Prison, shall not have Judgment of Life or Member for breaking of Prison only, except the Cause for which he or they were taken and imprisoned, did require such Judgment, had he been convicted according to Law.

Breakers of Prisons.

And be it further Enacted by the Authority aforesaid, That if any Person be convicted of any such Felony as is hereby made Capital, for which he ought by the Laws of Great-Britain, to have the Benefit of his Clergy, and shall pray to have the Benefit of this Act; he shall not be required to read, but without any reading shall be allowed taken and reputed to be, and punished as a Clerk Convict, and Burnt, if for Murder, with an M upon the Brawn of the Left Thumb; and if for any other Felony, with a T. in the same Place of the Thumb; which Marks are to be made by the Goaler in open Court, as is usual in Great-Britain; which shall be effectual to all Intents and Purposes, and be as Advantageous to him as if he had read as a Clerk, any Law or Usage to the Contrary notwithstanding.

Such as ought to have the Benefit of Clergy shall have the Benefit of this Act.

And without reading shall be as Clerks convicted and Burnt in the Hand.

And that the said Justices before whom such Offender or Offenders shall be tried and convicted, shall also at their Discretion award and give Judgment, That such Offender and Offenders shall be committed to some House of Correction, or publick Work-House within the County, City, Town or Place where such Conviction shall be, there to remain, and be kept without Bail or Mainprize for such Time as such Justices shall then judge and award, not less than Six Months, and not exceeding Two Years, to be accounted from the Time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award; and such Offender and Offenders so judged and awarded to remain and be kept in such House of Correction, or publick Work-House, shall be there set at Work and kept at hard Labour, for and during such Time as shall be so adjudged and recorded: And in Case such Person or Persons shall refuse or neglect to Work and Labour, as they ought to do, the Master or Keeper of such House of Correction, or publick Work-House respectively, is hereby required to give such Persons such due Correction as shall be fit and necessary in that Behalf.

The Justices may award such Offenders to some House of Correction for not less than six Months nor exceeding two Years.

If the Offender refuse to Work then to be corrected.

And be it further Enacted by the Authority aforesaid, That in Case any such Offender or Offenders shall after such Judgment given, Escape out of Prison, or out of such House of Correction or publick Work-House, as he, she or they shall be committed unto, as aforesaid; such Person or Persons being afterwards re-taken, shall be brought before one or more of the Provincial Judges, or before Two or more of the Justices of the Peace of such County, City, Town or Place where such Offender or Offenders shall be so re-taken, which Judge or Justices are hereby required to commit such Offender and Offenders to some House of Correc-

If such Offenders Escape and be re-taken, to be committed to the House of Correction for not less than Twelve Months nor above four Years.

tion or pubick Work-House within such County, City, Town or Place where he, she or they shall be so re-taken, there to remain without Bail or Mainprize for any Time not less than Twelve Months, and not exceeding Four Years, to be accounted from the Time of such Re-taking, and there be set at Work, and kept at hard Labour, and receive such due Correction, as aforesaid.

If the Master of such House of Correction neglect his Duty any Provincial Judge may remove him.

And in Case any Master or Keeper of any House of Correction, or publick Work-house, shall neglect to do his Duty, as above directed; any Judge or Justice of Goal Delivery, upon Complaint and due Proof thereof, upon the Oath or Affirmation of One more Witenesses to him made, shall be and is hereby impowered to remove such Person from his said Office.

A Woman convicted of Felony, &c. to be burnt in the Hand.

And be it further Enacted by the Authority aforesaid, That where a Man being convicted of any Felony, for which he may Demand the Benefit of his Clergy: if a Woman be convicted for the same, or like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her, upon such Conviction, or Execution awarded upon any Outlawry for such Offence, but shall suffer the same Punishment as a Man should suffer that has the Benefit of his Clergy allowed him in the like Case, *That is to say,* shall be burnt in the Hand, in Manner aforesaid, and further to be kept in Prison for such Time as the Justices in their Discretion shall think fit, so as the same do not exceed One Year.

And be kept in Prison, &c.

If Persons who had once the Benefit of this Act be again convicted &c. shall suffer Death.

But if any Man or Woman who have once had the Benefit of this Act, as aforesaid, and shall be again convicted of any other Felony, hereby made Capital or Felony of Death, for which a Man might have the Benefit of his Clergy; every such Man and Woman shall be and are hereby Totally excluded from having any Benefit or Advantage of this Act, but shall suffer Pains of Death, as in Cases where the Benefit of Clergy is by Law taken away.

Felonies committed in one County and Accessories in another Indictment against such Accessary shall be effectual.

And be it further Enacted by the Authority aforesaid, That where any Murder or Felony hath been, or hereafter shall be committed in one County of this Province, and one or more Persons shall be Accessary or Accessories to any such Murder or Felony in another County: That then an Indictment found or taken against any such Accessary or Accessories, upon the Circumstance of such Matter before Justices of the Peace, or other Justices or Commissioners to enquire of Felonies in the County where such Offences of Accessary or Accessories in any Manner have been or shall be com-

committed or done, shall be as Good and Effectual in Law, as if the said Principal Offence had been committed or done within the same County, where the Indictment against such Accessary hath been or shall be found.

And that the Justices of the said Supream-Court, or Two of them, upon Suit to them made, shall write to the Keepers of the Records, where such Principal is or shall be hereafter attainted or convicted, to certify them, Whether such Principal be attainted, convicted or otherwise discharged of such Principal Felony, who, upon such Writing to them, or any of them directed, shall make sufficient Certificate in Writing, under their Seal or Seals to the said Justices, whether such Principal be attainted convicted or otherwise discharged or not. And after they so have the Custody of such Records, do certify, That such Principal is attained, Convicted or otherwise discharged of such Offence by the Law; then the Justices of Goal Delivery, or Oyer and Terminer, shall proceed upon every such Accessary in the County where he or they became Accessary, in such Manner and Form, as if both the said Principal Offence and Accessary had been committed and done in the same County where the Offence of Accessary was or shall be committed or done.

Justices of the Supream Court shall write to the Keepers of the Records where such Principal is convicted to certify whether such Principal be convicted or otherwise discharged, who shall certify accordingly.

And if it appears that such principal is attained &c. The Justices to proceed against the Accessary.

And That every such Accessary, and other Offenders above expressed, shall answer upon their Arraignments, and receive such Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties as is used in other Cases of Felony; and as the Statute made in the second and Third Years of King Edward the Sixth, Chapter the Twenty fourth, Entituled, *An Act for the Trial of Murders and Felonies committed in several Counties*, doth direct in such Cases; which Statute shall be observed in this Province, any Law or Usage to the Contrary notwithstanding.

Every such Accessary shall answer and be judged &c. as by the Statute of 2 & 3 of Ed. 6. C. 24.

And be it further Enacted by the Authority aforesaid, That every Person who shall unlawfully and corruptly procure any Witness to commit wilful and corrupt Perjury in any Matter or Cause, depending in Suit and Variance, in any of the Courts of Judicature within this Province, or shall unlawfully and corruptly procure and suborn any Witnesses to testify upon Oath or Affirmation, in any Matter, Cause or Thing whatsoever; such Offender shall Forfeit the Sum of *Forty Pounds*, one Half thereof to the Governour, for the Support of this Government, and the other Half to the Party grieved: But for want of Lands, Goods or Chattles to satisfy the said *Forty Pounds*, every such Offender being convicted or attainted of Perjury or Subornation aforesaid,

Subornation of Perjury,

Penalty.

Imprisonment.

Pillory.

said, shall for his said Offence suffer Imprisonment by the Space of Six Months, without Bail, and stand on the Pillory the Space of one whole Hour in some Market or Publick Place where the Offence was committed, and shall suffer all the other Punishments, Penalties, Forfeitures and Disabilities which are inflicted upon such Offenders by any Law or Statute of Great-Britain.

The Statute of fifth of Eliz. Ch. 9. against Perjury, shall be observed here.

And that the Statute made in the fifth Year of Queen Elizabeth, Chapter the Ninth, Entituled, *An Act for Punishment of such Persons as shall procure or commit any Willful Perjury*, shall be observed in this Province, and be duly put in Execution, as well against those who shall falsify their Affirmations, as those who shall falsify their Oaths, or be convicted of Subornation or Perjury.

*Justices of Goal Delivery to give Judgment of Death against Persons re-
priev'd.*

And be it further Enacted by the Authority aforesaid, That in all Cases where any Person or Persons have been or shall be found Guilty of any of the said Crimes, for which Judgment of Death should or may ensue, and shall be reprimed to Prison without Judgment at that Time given him, her or them so found Guilty; that those who now are, or hereafter shall be assigned Justices, or deliver the Goal where any such Guilty Persons shall remain, are hereby impowered and authorized to give Judgment of Death, and award Execution against such Persons so found Guilty and reprimed, as the same Justices before whom such Person or Persons was or were found Guilty, might have done before such Reprieve.

No Procefs to be discontinued by &c.

And that no manner of Procefs or Suit made, Sued, or had before any of the King's Justices of the Supream or Provincial Court, Goal-Delivery, Oyer and Terminer, Justices of the Peace, or other the King's Commissioners in this Province, shall not in any wise be discontinued by the making and publishing of any new Commission or Association, or by altering the Names of the Justices of the said Supream-Court, Goal-Delivery, Oyer and Terminer, Justices of the Peace, or other the King's Commissioners; but that the new Justices of the Supream-Court, Goal-Delivery and of the Peace, and other Commissioners may proceed in every respect as if the old Commissions and Justices, and Commissioners, had still remained and continued unaltered.

Nor by the Death or Removal of the Proprietary, &c.

And that no Procefs, Pleas, Complaints, Suits, Actions or Proceedings whatsoever, which now are, or at any Time hereafter shall be commenced, sued brought or depending before any of the said Justices of the Supream-Court, Justices of the Courts of Common-Pleas, or other the King's Justices, Com-

Commissioners or Magistrates in this Province, shall be discontinued or put without Day by Reason of the Death or Removal of the Proprietary or his Lieutenant Governour of this Province, or by the Death, new Commission, or not coming of the said Justices or Commissioners, or any of them; but shall stand good and effectual in Law to all Intents and Purposes, notwithstanding the Death or Removal of the said Proprietary and Governour, or of the Death, new Commission, Association, or not coming of the said Justices, or any of them.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons after the first Day of October, in this present Year One Thousand Seven Hundred and Eighteen, shall commit any Simple Larceny, which is not by this Act made Felony of Death, and be duly convicted thereof at the Court of Quarter-Sessions of the Peace to be held for the respective County where such Offence is committed, or where the Offender becomes Accessary in this Province, he, she or they so Offending, their Aiders, Comforters and Abettors shall for the first Offence restore the Goods and Chattles, so stolen, to the right Owner or Owners thereof, or shall pay him or them the full Value of such Goods, or so much of them as cannot be restored; which Value shall be set by such Persons as the Court before whom such Offenders are convicted, shall appoint to do the same, upon their Oaths or Affirmation; and the said Offenders shall also pay the Costs of Prosecution, with all such other Sums of Money as the same Court shall allow for such Owner or Owners Loss of Time, Charges and Disbursement in the Apprehending and Prosecution of such Offender.

The Punishment of Persons convicted of Larcenies, for the first Offence.

And Moreover shall Forfeit and pay the like Value of the Goods to the Governour, for the Support of this Government, and shall be committed to the Common-Goal of the Countrey where they are convicted; there to remain till they make Satisfaction for all the Sums so to be adjudged or recovered against them, and moreover shall be publicly Whipped on his or their bare Back with Stripes well laid on, not exceeding Twenty one.

Further Punishment for the first Offence.

And that he or they who shall, so as aforesaid, be convicted of the second Offence, and his and their Aiders, Comforters and Abettors shall pay to the right Owner or Owners of the Goods and Chattles so stolen the full Value of such Goods and Chattles, or of so much of them as are not restored; which Value shall be set as aforesaid, and the said Offenders shall also pay the Costs and Charges aforesaid, to be allowed as above-mentioned.

For the Second.

And

And Moreover, shall Forfeit and pay the double Value of the said Goods to the Governour, for the Support of this Government, and shall be committed in the Common-Goal of the County where they are convicted, there to remain till they make Satisfaction as aforesaid, and shall be publickly whipped on their bare Backs, with Stripes well laid on, not less than Twenty one, nor exceeding Forty.

For the Third.

And he or they who shall be so, as aforesaid, convicted of the third Offence, and his or their Aiders or Abettors shall pay to the right Owner or Owners of such stolen Goods the full Value thereof, to be set as aforesaid, and the said Offenders shall also pay the Costs and Charges aforesaid, to be allowed as aforesaid; and shall also forfeit and pay the like treble Value to the Governour, for the Support of this Government, and shall be committed to the County-Goal, there to remain till they make Satisfaction, as aforesaid, and shall be publickly whipped on his or their bare Backs, with Stripes well laid on, not less than Thirty nine, nor exceeding Fifty.

Justices may send the Offenders to the House of Correction.

And That the said Justices before whom such Offenders shall be tried and convicted of the third Offence, shall also at their Discretion award and give Judgment, That such Offenders shall be sent to some House of Correction, or publick Work-House, and there to be set at Work, corrected, and remain without Bail for such Time as the said Justices shall then judge and award, not less than Twelve Months, and not exceeding Four Years, to be accounted from the Time of such Conviction, and an entry shall be thereof made accordingly, as is herein above directed in other Cases.

Imprisonments awarded as Part of the Punishment of the said Offenders, shall not stop Execution against their Estates.

Provided always, And be it further Enacted by the Authority aforesaid, That none of the said Imprisonments hereby awarded, as Part of the Punishment of the said Offenders, or any of them, shall stop or avoid the Awarding or Taking out of Execution to levy so much of the respective Sums recovered against them, as aforesaid, as such Offenders refuse or neglect to pay, when such Writs are taken out. Which Executions shall be directed to the Sheriff or Coroner of the proper County, requiring him to levy the Sums due upon such Recoveries, as aforesaid, of the Lands and Tenements, Goods and Chattles, of such Offenders, returnable to the Court of Quarter-Sessions next after the Date or Tests of such Writs; which shall be Executed accordingly, and the Lands, Goods and Chattles thereby seized, shall be sold and conveyed by the said Officers; and such Sales shall be as available and effectual in Law, as any other Sales of Lands taken and sold for Payment

Which Executions are directed to the Sheriffs, &c. Returnable to the Quarter Sessions, and Land sold as in other Cases.

Payment of Debts, by Virtue of Writs of Execution, awarded out of the Courts of Common-Pleas in the said respective Counties.

And be it further Enacted by the Authority aforesaid, That all the said Forfeitures arising from Offenders who shall be convicted of the said Simple-Larcenies, and by this Act directed to be applied for Support of Government, shall be duly levied by the Sheriffs of the respective Counties, and shall be paid into the Treasury of this Province, from Time to Time, as soon as the same be levied; and the Provincial Treasurer, for the Time being, shall keep true and just Accounts thereof, and shall issue and pay the same to the Use and publick Service of this Government.

The Forfeitures arising from simple Larcenies for Support of Government shall be paid to the Provincial Treasurer.

Provided, That the Forfeitures arising from the said Simple-Larcenies committed within the City of Philadelphia, shall go as their Charter directs.

Excepting Philadelphia.

Provided, also, And it is hereby Enacted and Declared, That the Testimony of the said Owners, of Stollen Goods shall be allowed and taken to be good Evidence to Convict the said Felons for such Stealing; and that the Law of this Province, entituled, *An Act against Robbing and Stealing*, passed in the Fourth Year of the late Queen Anne, and another Act directing the Punishment of *Petty Larceny under Five Shillings*, shall be and are hereby Repealed.

The Testimony of Owners of Stollen Goods to be Evidence.

Repeal of two Laws

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall agree or compound, to take Satisfaction for any Stealing, or Goods stollen, such Person shall Forfeit twice the Value of the Sums agreed for, or taken; but no Person shall be debarred from taking his Goods back which are stollen, provided he prosecute the Felons.

Such as compound for Stollen Goods, shall forfeit twice the Value, &c.

But may take their Goods back, if they prosecute the Felon.

Provided always, and be it further Enacted by the Authority aforesaid, That no Indictment, Presentment, or Inquisition, or any Process whatsoever now depending in any Court within this Province, for any of the Crimes or Offences mentioned in this Act, shall be discontinued, abated or quashed for or by Reason of this Act, or any Thing therein contained, but that the Judges and Justices of the respective Courts within this Province shall proceed to Hear, Try and Determine the said Offences in such Indictments, Presentments and Inquisitions mentioned to be committed against any Act or Acts of Assembly of this Province, as were in Force at the Time of finding, making or taking the said Indictments,

No Judgment &c. now depending shall be discontinued.

ments, Presentments and Inquisitions, and thereupon to give Judgment, and award Execution, according to the Direction of the said respective Acts of Assembly, upon which the said Indictments, Presentments or Inquisitions are founded, as if the same Act or Acts of Assembly were by a special Clause, in this Act continued for that Purpose, any Thing herein contained the to Contrary notwithstanding.

At the Council Chamber Whitehall the Twenty sixth Day of May, One Thousand Seven Hundred and Nineteen.

Present

Their Excellencies the Lords Justices,

A. B. of Canterbury.	L. Chancellor.
L. Perfidant.	L. Privy-Seal.
L. Steward.	L. Chamberlain.
D. of Marlborough.	D. of Roxbury.
E. of Sunderland.	E. of Barkley.
Mr. Secretary Craggs.	D. of Manchester.
E. of Westmoreland.	E. of Ilay.
B. of London.	Mr. C. of the Dutchy.
General Wills.	E. of Halifax.

UPON reading this Day at the Board a Representation from the Lords Commissioners of Trade and Plantations dated the first of this Instant, setting forth their having had under their Consideration, An Act passed at an Assembly in *Pennsylvania*, held in *May*, One Thousand Seven Hundred and Eighteen, Entituled, *An Act for*

for the Advancement of Justice, and more certain Administration thereof. And the said Commissioners having taken the Opinion of Council learned in the Law, touching the same, do humbly present the said Act as proper to be confirmed: Their Excellencies the Lords Justices in Council taking the same into their Consideration, are pleased (pursuant to the Powers reserved to his Majesty in the Charter of Propriety granted to *William Penn, Esq;*) to declare their Approbation of the said Act, and according to their Excellencies Pleasure thereupon express'd, the said Act is hereby Confirmed, finally Enacted and Ratified whereof the Deputy Governour, Council and Assembly of the said Province, and all others whom it may concern, are to take Notice and govern themselves accordingly.

Robert Hales.

CHAP. CCXVII.

An ACT for supplying some Defects in the Law for the Relief of the Poor.

WHEREAS by a Law of this Province, Entituled, *An Act for the Relief of the Poor*, it is provided, That the Overseers of the Poor for the respective Townships, shall make Rates or Assessments for the Relief of the Poor, indigent and impotent Persons within the said Townships, but it is not ascertained what Settlement shall render one an Inhabitant relieveable by the said Act.

The Defects of the former Law.

Be it therefore Enacted, by William Keith, Esq; by the King's Royal Approbation, Deputy, Lieutenant and Governour under William Penn, Esq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That where

If an unmarried Person be hired as a Servant, and abide in the same Service one Year, it's a Settlement.

any unmarried Person, not having Child or Children, is or shall be lawfully hired as a Servant into any City, Township or District in this Province, and did or shall continue and abide in the same Service during the Space of one whole Year, such Service shall be adjudged and deemed a good Settlement therein.

Apprenticeship a good Settlement.

And if any Person shall be bound an Apprentice by Indenture, and inhabit in any City or Township in this Province, such binding or inhabiting shall be adjudged a good Settlement.

He that bears an Office for a Year, or pays his Taxes, &c. gains a Settlement.

And if any Person who hereafter shall come to inhabit in any of the said Townships or Districts, shall for himself, and on his own Account execute any publick annual Office or Charge in the said Township or District, during one whole Year, or shall be charged with and pay his Share towards the County Taxes or Levies for the Poor of the said Township or District, then he shall be adjudged and deemed to have a legal Settlement in the same.

No other Person shall be deemed to have gained a Settlement, unless he take a Lease of a Tenement of 5 l. per Annum, or give Security.

And that no other Person or Persons whatsoever, who shall come into any County, City Township or District within this Province, shall be adjudged to have procured a legal Settlement in such County, City, Township or District, unless he or they shall really and *Bonâ fide*, take a Lease of a Tenement or Plantation of the yearly Value of *Five Pounds*, or unless he or they give Sufficient Security for the Discharge of the said County, City, Township and District, to be allowed by any two Justices of the Peace, or Magistrates of such County or City.

Persons come out of other Counties &c. if required by the Overseers to return, or give Security shall not be deemed to acquire a Settlement by their continuance.

Provided always, That where any Person or Persons are come into any County, City, Township or District in this Province, out of any other County, City, Township or District, or out of any other Place or Province, and being likely to become Chargeable to the Place where they are so come to inhabit: Have been or shall be required by the Overseers of the Poor to Return from whence they came, or give Security for the Discharge of the County, Township or Place where they are come to inhabit; he, she or they refusing or neglecting so to do, shall not be deemed to have acquired a legal Settlement by their Continuance in the Place or Places where they

are

are so come to inhabit; but that upon Complaint made by the Overseers of the Poor, of the proper Township or District, to any one or more of the Justices of Peace, or Magistrates of the proper County, or City respectively, where any of the said Persons (refusing or neglecting to return or give Security, or coming to settle in any Tenement or Plantation under the said yearly Value of *Five Pounds*, or not otherwise obtaining a lawful Settlement, according to the true Meaning of this Act) shall reside or be found at the Time of such Complaint, it shall and may be lawful to and for any Two Justices of the Peace of the County or City, where any of the said Persons, who are likely to be chargeable to the Township or Place where they reside, or shall come to inhabit, by their Warrant to remove and convey such Person or Persons to the County, City, Township or Place where he, she or they were last legally settled; either as Native, Householder, Sojourner, Apprentice or Servant, unless he or they give Sufficient Security for the Discharge of the said County, City or Township to be allowed by the said Justices.

Upon the Overseers Complaint to a Justice of such Persons as settle in Tenements under 5 l. per Annum or refuse to return or to give Security.

Two Justices where the Persons are likely to be chargeable may by their Warrant, remove such Persons to the place where they were last settled

Provided always, that if any Person or Persons shall find him, her or themselves agrieved by any Order or Determination which any of the said Justices of the Peace, or Magistrates, shall make in any of the Cases above said, such Person or Persons shall have Liberty to Appeal to the next General Quarter-Sessions of the Peace for the County or City where such Determination shall be made: Who upon hearing of such Appeal, shall have full Power finally to determine the same, and to award Costs, as the Justices of the Peace at their Quarter-Sessions in *Great-Britain*, by a Statute made in the Eight and Ninth Year of King *William* the Third, are empowered and required to do in such Cases.

The Party grieved by such order may Appeal to the next Sessions.

Who shall finally determine the same and award Costs &c.

And if any Person be removed, by Virtue of this Act from one County, City, Township or Place to another, by Warrant under the Hands and Seals of two Justices of the Peace, or Magistrates as aforesaid, that the Overseers of the Poor of the Township or District, to which the said Persons shall be so removed, are hereby required to receive the said Persons: And if any of the said Overseers shall refuse or neglect so to do, he or they so offending, upon Proof thereof by one or more credible Witnesses, upon Oath or Affirmation, before any one of the Justices of the Supreme-Court of this Province, shall Forfeit for each Offence the Sum of *Five Pounds*, to the Use of the Poor of the Township or District from which such Person was removed; to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justices of the said Supreme-Court, which

The Overseers whereto any shall be removed are to receive them.

Penalty.

which they are hereby impowered and required to make, directed to the Constable of the Township where such Offender or Offenders dwell, returning the Over-plus, if any be, to the Owner or Owners; and for want of Sufficient Distress, then the Offender to be committed to the Goal of the County where he dwells, there to remain without Bail or Main-prize for the Space of Fourty Days.

Persons grieved with Judgment of the two Justices may appeal.

Which Appeal shall be determined at the Quarter Sessions for the County from whence such poor Persons shall be removed.

Provided always, That all such Persons who think themselves agrieved with any such Judgment of the said two Justices, may Appeal to the next General Quarter-Sessions of the Peace to be held for the County or City from which the said Person was so removed; and that the Appeal against any Order for the Removal of any poor Person out of any Township or Place shall be had, prosecuted and determined at the General or Quarter-Sessions of the Peace for the County, City or Place from whence such poor Persons shall be removed, doth lie; and not else where.

Poor Persons that shall be relieved by any County, &c. shall Wear a Badge &c.

And to the End that the Money raised only for the Relief of such as are Impotent and Poor, may not be misapplied and consumed by the idle, sturdy and disorderly Beggars, *Be it further Enacted by the Authority aforesaid,* That every such Person as from the Twenty fourth Day of June, in this present Year One Thousand Seven Hundred and Eighteen shall be upon the Collection, and receive Relief of any County, City or Place, and the Wife and Children of any such Person cohabiting in the same House (such Child only excepted, as shall be by the Overseers of the Poor permitted to live at Home, in Order to have the Care of, and attend an impotent and helpless Parent) shall upon the Shoulder of the right Sleeve of the upper Garment of every such Person, in an open and visible Manner, wear such Badge or Mark as is hereinafter mentioned and expressed, *That is to say,* a Large Roman P. together with the first Letter of the Name of the County, City or Place whereof such poor Person is an Inhabitant; cut either in Red or Blue Cloth, as by the Overseers of the Poor it shall be directed and appointed.

And if such poor Persons do not wear such Badge he shall be punished, &c.

And if any such poor Person shall at any Time neglect or refuse to wear such Badge or Mark, as aforesaid, and in Manner aforesaid, it shall and may be lawful for any Justice of the Peace of the County, City or Place where any such Offence shall be committed, upon Complaint to him for that Purpose made; to punish every such Offender for every such Offence, either by ordering of his or her Relief, or usual Allowance on the Collection, to be abridged, suspended or withdrawn; or otherwise, by committing such

Of-

Offender to the House of Correction, there to be whipped and kept at hard Labour for any Number of Days not exceeding Twenty one, as to the said Justice shall seem meet.

And if any such Overseer of the Poor shall relieve any such poor Person not having and wearing such Badge or Mark, as aforesaid; being thereof convicted upon the Oath or Affirmation of one or more credible Witnesses, before any Justice of the Peace of the County or City where such Offence shall be committed, shall Forfeit for every such Offence the Sum of *Twenty Shillings*; to be levied by Distrets and Sale of the Goods of every such Offender, by Warrant under the Hand and Seal of any such Justice: One Moiety thereof to the Informer, and the other to the Poor of the Township or Place where the Offence shall be committed.

*If the Overseers
relieve such as wear
not the said Badge,
shall forfeit 20 s.*

Chap. 218. *An ACT to Supply some Omissions in a Law passed at the last Sessions of Assembly, held for this Province, Entituled, An Act for raising a Duty of Tonage upon Ships and Vessels. Expired.*

Chap. 219. *An ACT for the better Encouraging the Trade of this Province. Obsolete.*

Chap. 220. *An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder, Hops and Flax imported into this Province. Expired.*

CHAP. CCXXI.

An ACT concerning Feme-Sole Traders.

WHEREAS it often happens, That Marriners and others, whose Circumstances as well as Vocations oblige them to go to Sea, leave their Wives in a way of Shop-keeping; and such of them as are Industrious and take due Care to pay the Merchants, they gain so much Credit with, as to be well supplied with Shop-Goods, from Time to Time, whereby they get a competent Maintenance for themselves and Children, and have been enabled to discharge considerable Debts left unpaid by their Husbands at their going away: But some of those Husbands have so far lost Sight of their Duty, to their Wives and tender Children, that their Affections are turned to those who in all Probability will put them upon Measures not only to waste what they may get abroad, but misapply such Effects as they leave in this Province,

For

For preventing whereof, and to the End that the Estates belonging to such absent Husbands may be secured, for the Maintenance of their Wives and Children, and the Goods and Effects which such Wives acquire or are intrusted to sell in their Husband's Absence, may be preserved for satisfying of those who so intrust them, may it please the Governour that it may be Enacted,

And be it Enacted by William Keith, Esq; by the King's Royal Approbation Lieutenant Governour under William Penn, Esq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General-Assembly met, and by the Authority of the same, That where any Marriners or others are gone or hereafter shall go to Sea, leaving their Wives at Shop-keeping, or to Work for their Livelihood, at any other Trade in this Province; all such Wives shall be deemed, adjudged and taken, and are hereby declared to be as *Feme-Sole Traders*, and shall have Ability, and are by this Act enabled to sue and be sued, plead and be impleaded, at Law in any Court or Courts of this Province, during their Husbands natural Lives, without naming their Husbands in such Suits, Pleas or Actions: And when Judgments are given against such Wives for any Debts contracted or Sums of Money due from them, since their Husbands left them, Executions shall be awarded against the Goods and Chattles in the Possession of such Wives, or in the Hands or Possession of others in Trust for them, and not against the Goods and Chattles of their Husbands; unless it be made appear to the Court where those Executions are returnable, That such Wives have out of their seperate Stock or Profit of their Trade, paid Debts which were contracted by their Husbands, or laid out Money for the necessary Support and Maintenance of themselves and Children; then, and in such Case Execution shall be levied upon the Estate Real and Personal of such Husbands, to the Value so paid or laid out, and no more.

Who shall be adjudged to be Feme-Sole Traders, and may sue and be sued.

If Execution be obtained against wives for Debts contracted in their Husbands absence it shall be laid on the Goods & Chattles of the Wife

But if for Maintenance of themselves and Children then against the Goods of the Husband.

Absent Husband shall not Mortgage and sell Lands abroad, from his Wife and Children without making equivalent Provision for them.

And be it further Enacted by the Authority aforesaid, That if any of the said absent Husbands being Owner of Lands, Tenements or other Estate in this Province, have aliened or hereafter shall Give, Grant, Mortgage or Alienate from his Wife and Children, any of his said Lands, Tenements or Estate without making an Equivalent Provision for their Maintenance in Lieu thereof, every such Gift, Grant Mortgage or Alienation shall be deemed, adjudged and taken to be null and void.

Provided nevertheless, That if such absent Husband shall happen to suffer Ship-Wreck or be by Sickness or other Casualty, disabled to maintain himself, then and in such Case, and not otherwise, it shall be lawful for such distressed Husband to Sell or Mortgage so much of his said Estate, as shall be necessary to relieve him and bring him Home again to his Family, any Thing herein contained to the Contrary notwithstanding.

The Husband being Shipwrecked may sell so much as to bring him Home.

But if such absent Husband, having his Health and Liberty, stays away so long from his Wife and Children without making such Provision for their Maintenance, before or after his going away, till they are like to become chargeable to the Town or Place where they inhabit, or in Case, such Husband doth or shall live in Adultery, or co-habit unlawfully with another Woman, and refuses or neglects within Seven Years, next after his going to Sea, or departing this Province, to return to his Wife and co-habit with her again, then and in every such Case the Lands, Tenements and Estate belonging to such Husbands, shall be and are hereby made liable and subject to be seized and taken in Execution, to satisfy any Sum or Sums of Money, which the Wives of such Husbands, or Guardians of their Children shall necessarily expend or lay out for their Support and Maintenance; which Execution shall be founded upon Process of Attachment against such Estate wherein the absent Husband shall be made Defendant, any Law, or Usage to the Contrary in any wise notwithstanding.

The Lands of the Husband staying away or living in Adultery may be so seized and taken in Execution.

Chap. 222. *An ACT for continuing the Duty upon Negroes brought into this Province.* Expired.

Chap. 223. *An ACT for raising a Duty upon Tonnage of Ships and Vessels.* Expired.

CHAP. CCXXIV.

An ACT for Erecting of Houses of Correction and Work-Houses, in the respective Counties of this Province.

WHEREAS the Proprietary and first Adventurers in their Principal Model of this Government, proposed, That for Crimes inferiour to Murder, the Punishment might be by way of Restriction, Fine, Imprisonment

Preamble.

ment and such like, and where the Offender proved not of Ability to make such Satisfaction, then he should be kept in Prison or House of Correction at hard Labour. But no effectual Care has been yet taken to erect such Houses, by Reason whereof many Evil Doers escape unpunished, and Servants who for Neglect and Abuses should be kept to Work in such Houses are become Incorrigible: Therefore may it please the Governour that it may be Enacted.

Justices of the Peace at the Quarter-Sessions have Power to make Orders for Building of Houses of Correction, &c.

And be it Enacted by William Kieth, Esq; by the Royal Approbation Deputy Lieutenant and Governour under William Penn, Esq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General Assembly met. and by the Authority of the same, That from and after the first Day of May, which will be in the Year of our Lord, One Thousand Seven Hundred and Eighteen, from Time to Time, It shall and may be lawful to and for the Justices of the Peace of the City of Philadelphia, in Conjunction with the Justices of the Peace of the County of Philadelphia, and for the Justices of the Peace of other respective Counties of this Province, assembled at any Quarter-Sessions of the Peace, within the same respective Counties, or major Part of them, to set down and make Orders for Building, Erecting or causing to be built and erected or provided, one or more Houses of Correction and Work-Houses, with convenient Back-sides or Yards thereunto adjoyning, in some convenient Places within their several Counties or Towns Corporate, for the doing and performing whereof, and for the providing Stocks of Money, Goods and all other Things necessary for the same, at such Orders as the said Justices or the major Part of them shall, from Time to Time, take, reform or set down, in any of the said Quarter-Sessions, for erecting or providing such Houses, raising the said Stocks, and governing of the same, as also for the Correcting and Punishment of Offenders to be committed there, shall be of full Force, and be duly performed and put in Execution; which said Houses shall be purchased, conveyed or assured unto such Person or Persons, as by the Justices of the Peace, or the major Part of them, in the Quarter-Sessions of the Peace, to be holden within every County of this Province, Upon Trust, to the Intent the same shall be used and employed for the keeping, correcting and setting to Work of all Rogues,, Vagabonds, sturdy Beggars and idle and disorderly Persons, who by the Laws and Usage of Great-Britain, or by the Laws of this Province, are to be kept, corrected or set at Work, in such Houses and Backsides.

Their Use.

And

And be it further Enacted by the Authority aforesaid, That within the Space of Three Years after the Twenty fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Eighteen; a House of Correction or Work-House shall be built in the City of *Philadelphia*, at the Charge of the said City and County of *Philadelphia*; and a House of Correction or Work-House shall be built in *Chester*, at the Charge of the County of *Chester*; and another House of Correction or Work-House shall be Built in *Bristol* at the Charge of the County of *Bucks*.

The Time limited for the Building the said Houses in each of said Counties,

And be it further Enacted by the Authority aforesaid, That by the major Part of the Justices of the Peace, for the said City and County of *Philadelphia*; and for the Counties of *Chester* and *Bucks* respectively, in their respective Quarter-Sessions assembled, there shall be elected and chosen out of the most able and honest Inhabitants and Free-holders of the said City and County of *Philadelphia*, and of the said Counties of *Chester* and *Bucks* respectively, a President, a Treasurer and Assistants for the Houses of Correction, Work-House or Work-houses in the said City, and respective Counties; and that upon the Vacancy by Death or otherwise of any of the said Presidents, Treasures or Assistants, in the said respective Counties, the Power to elect others in their Rooms, shall be in the major Part of the respective Justices of the Peace, who in their General Quarter-Sessions, from Time to Time, shall accordingly Supply vacant Places.

The Officers to be elected and chosen,

And the said President, Treasurer and Assistants, for the Time being, shall be accountable for all their Disbursements and other Proceedings to the said Justices or the major Part of them, who at every Quarter-Sessions are hereby directed and required to examine and inspect the Accounts, and all other Proceedings of the said President, Treasurer and Assistants, and in Case any notorious Neglect, Imbezlement or Breach of Trust shall at any Time appear to the Justices against all or any one of the said Officers by them appointed, as aforesaid, then the said Justices are hereby empowered to dismiss and displace all such Offenders, and to elect others in their Room.

Who shall lay their Accounts & Proceedings before the Justices of the Peace of the respective Counties, at their Quarter Sessions.

And that nothing may be wanting to render Effectual the good Intent of this Act in all it's Parts, May it please the Governour, to condescend that it may be further Enacted, And be it further Enacted by the Authority aforesaid, That the said President, Treasurer and Assistants, for the Time being, respectively, shall forever hereafter in Name and Fact be Bodies Politick and Corporate in Law, to all Intents and Purposes.

And are made Bodies Politick & Corporate in Law.

And have a perpetual Succession. May sue and be sued, &c.

And may purchase and receive Lands to the Value of 200l per Annum, &c.

And shall have a perpetual Succession, and may sue or be sued, and plead or be impleaded by the Name of the President, Treasurer and Assistants for the Poor, of the said respective Counties, in all Courts of Judicature within this Province, and by that Name every of the said Corporations shall and may Purchase or Receive any Lands, Tenements or Hereditaments, not Exceeding the yearly Value of *Three Hundred Pounds per Annum*, of the Gift, Alienation or Devise of any Person or Persons, who are hereby enabled to transfer and grant the same; and any Goods and Chattles whatsoever into or for the Use and Benefit of the Corporations aforesaid.

And shall give punctual and constant Attendance.

To receive and execute all Orders &c.

And be it further Enacted by the Authority aforesaid, That the said President, Treasurer and Assistants, or one of them, at least, in each County aforesaid respectively, shall give punctual and constant Attendance at the Work-Houses and Houses of Correction, to which they respectively belong there to receive and execute the Orders given by the Commitments, which shall happen to be made, from Time to Time, by any Justice of the Peace or other Magistrate, having legal Power to commit and send to the said Work-houses; all Vagabons, unruly Servants and other idle or disorderly Persons, and the said Officers in each County respectively, shall make Return to every Court of Quarter-Sessions duly, of their Proceedings in the Premises.

And upon their certifying the want of Stock, &c.

The said Justices may cause the same to be raised as County Rates to the Value of &c.

And be it further Enacted by the Authority aforesaid, That when the President, Treasurer and Assistants of any of the said Corporations, shall certify under their Hands and Seals, their want either of present Stock for the beginning of the Work, or for Supply thereof for the Future; and what Sum or Sums of Money they shall think fit for the same, to the Justices of the Peace of the said respective Counties assembled in their Quarter-Sessions; the said Justices are hereby required, from Time to Time, to set down and ascertain such Sum and Sums of Money as they shall deem Competent, for the Purposes aforesaid, and to cause the same to be raised as County Rates are usually levied, so that they do not exceed, for the City and County of *Philadelphia*, the yearly Value of *Four Hundred Pounds*; for the County of *Chester*, the Yearly Value of *Two Hundred Pounds*; and for the County of *Bucks*, the yearly Value of *One Hundred Pounds*.

Under Officers to be chosen, &c.

And be it further Enacted by the Authority aforesaid, That the President, Treasurer and Assistants of any of the said Corporations, or Houses of Correction or Work-Houses,
are

are hereby impowered to choofe and entertain all fuch Officers as fhall be needful to be employed in and about the Premifes, and them, or any of them, to remove as they fhall fee caufe, and upon fuch Removal or Death of any of them to choofe others, and to make them reasonable Allowances for their Services out of the faid Stock, and that all Sheriffs, Conftables and all other Officers and Minifters of Juftice, fhall be aiding and Affifting to the faid Corporation or Corporations, and to all fuch Officers as fhall be employed by them, in the Execution and Performance of the faid Service.

All Sheriffs, Conftables, &c. to be aiding and affifting. &c.

Chap. 225. *An ACT for erecting a Ferry to the Landing at or near the Land late of Daniel Cooper, deceased, and alfo to Gloucefter in the Western-Divifion of New-Jerfey. Supplied.*

CHAP. CCXXVI.

An ACT for eftablifhing a Ferry over Delaware, at the Falls.

WHEREAS it is of abfolute Neceffity that a Ferry be erected and eftablifhed at the Falls, over Delaware-River, for the better Accommodation of Paffengers, Travelling in this Province,

Be it therefore Enacted by William Keith, Efq; by the King's Royal Approbation Deputy Lieut. and Governour under William Penn, Efq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the faid Province in General-Assembly met, and by the Authority of the fame, That there fhall be erected and kept a Ferry at the Landing Place of Jofeph Kirkbride, which faid Ferry fhall be kept by the faid Jofeph Kirkbride, at the Place aforefaid, his Executors, Adminiftrators or Affigns, who fhall and are hereby required at all convenient Times to maintain and keep the faid Ferry with a good fufficient Boat and Man or Men to attend the fame, as fhall, from Time to Time, be needful for the Carriage of all Perfons, Cattle, Horfes and Goods, which at the Place aforefaid, are to be carried over the faid River.

Jofeph Kirkbride to keep the Ferry.

And alfo, That the faid Jofeph Kirkbride, and his Successors, fhall at all Times hereafter (during the Time limited by this Act) by him or themfelves or Servants, give conftant and due Attendance on his faid Ferry.

And give Attendance.

And

And the said *Joseph Kirkbride*, and his Successors, shall have and receive for Ferriage over at the Place aforesaid, of all Persons (the Proprietary and his Lieutenant Governour and their Attendants excepted) the Rates and Prizes following, *That is to say,*

And shall receive the Fare, viz.

For every single Horse and Rider, *Nine Pence*; and when a greater Number shall be carried together, *Seven Pence Half-penny* for each.

For every single Person on Foot *Four Pence*, and when a greater Number together, *Three Pence*; each.

For every single Ox, Cow or Heifer, *One Shilling*; and when a greater Number, is carried together, *Ten Pence*, for each.

For every single Sheep, *Three Pence*; but when a greater Number, *One Penny Half-penny*, for each.

For single every Hog, *Five Pence*, and when a greater Number, *Three Pence per Head*, and no more.

And if the said *Joseph Kirkbride*, his Executors, Administrators or Assigns shall not maintain and keep such a sufficient Boat, as aforesaid, with a sufficient and able Hand, or shall not give constant and due Attendance on the Service of the said Ferry, or shall exact or Demand any greater or other Fees for the Carriage of any Passenger, Cattle, Horses, Hogs or Sheep, than is herein before limited and appointed then and in every such Case he shall forfeit and pay the Sum of *Five Pounds*, lawful Money of this Province, for every such Offence, one Moiety thereof to the Governour, for the Support of the Government of this Province, and the other Moiety thereof to the Party grieved, who shall sue for the same by Bill, Plaint or Information in any Court of Record in this Province, wherein no Essoyn, Protection or Wager of Law shall be allowed.

On Penalty of s¹.

For the Term of Eleven Years.

And be it further Enacted by the Authority aforesaid, That he the said *Joseph Kirkbride*, his Executors, Administrators and Assigns shall and may hold and enjoy the said Ferry, for and during the Term of Eleven Years, from the Publication of this Act, if he or they shall so long well behave themselves therein, and that no other Person or Persons shall hereafter, for and during the said Term of Eleven Years, presume to carry any Passengers, Horses, Cattle, Sheep or Hogs, for any Wages, Hire or Reward whatsoever over the said River

Delta-

Delaware from this Province to *New-Jersey* within the Space of Two Miles either above or below the above^d said Ferry, under the Penalty of Five Pounds Forfeiture for every such Offence, one Moiety thereof to the Governour, for the Support of the Government of this Province, and the other Moiety thereof to such as shall, from Time to Time, be appointed to keep the said Ferry, as aforesaid.

No other Persons shall carry over Passengers, &c within 2 Miles above or below the said Ferry on Penalty of 5^l.

And be it further Enacted by the Authority aforesaid, That in Case the *Joseph Kirkbride* shall refuse to provide a Boat and keep the said Ferry, as by this Act is directed and allowed, then it shall and may be lawful for the Proprietary, *William Penn* Esq; his Heirs and Assigns, or his or their Commissioners of Property, for the Time being, to appoint any other Person for that Purpose under the same Restrictions and Limitations herein before expressed; and such Person so appointed, shall or may be Accommodated at the Place aforesaid with a suitable House, or so much convenient Land to erect one on (not exceeding Half an Acre) at such Rates as the County-Court and Grand-Jury shall adjudge reasonable, to be paid by the Undertaker to the Owner thereof; which Land so assigned, as aforesaid, with the Improvements, shall be deemed and held as the Estate of the Improver and Occupier thereof his Heirs and Assigns; and shall be liable only to be alienated by the County-Court and Grand-Jury, on such reasonable Allowances as they shall think fit, as aforesaid, to any other Person for the same Uses as is above expressed, any Law, Usage or Custom to the Contrary hereof in any wise notwithstanding.

If the said Joseph Kirkbride refuse, &c.

How the same shall be supplied.

Provided always, That this Act shall continue in Force for and during the Term of Eleven Years from the Publication thereof, and no longer.

The Continuation of the Act.

CHAP. CCXXVII.

An ACT for the Continuing the Ferry from Bristol, in the County of Bucks, to Burlington in the Western-Division of the Province of New-Jersey.

WHEREAS by an Act of Assembly of this Province, made and passed in the Eleventh Year of the Reign of the late Queen *Anne*, Entituled. *An Act for Establishing and Regulating Ferries over Delaware River and Neshaminy Creek* It was Enacted that there should be a Ferry

kept

kept at the Town of *New-Bristol*, in the County of *Bucks*, over the River *Delaware* to *Burlington*, under such Restrictions and Regulations, and at such Prizes as in the said Act is mentioned. And further, the said Act appointed *John Sotcher*, of *Pennsberry* in the said County, to be the Person to keep the said Ferry, to Hold the said Ferry, with all Advantages thereby arising, to him the said *John Sotcher*, his Executors, Administrators and Assigns from the Publication of the said Act, for and during and unto the full End and Term of Seven Years, then next ensuing.

And whereas the said Term being near expired, the said *John Sotcher*, hath humbly requested, that the said Ferry may be continued to him his Executors and Assigns, therefore may it please the Governour that it may be Enacted.

And be it Enacted, by *William Keith, Esq;* by the King's Royal Approbation, Deputy, Lieutenant and Governour under *William Penn, Esq;* Proprietary and Governour in Chief of the Province of *Pennsylvania*, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That it shall and may be lawfull to and for the said *John Sotcher*, his Executors and Assigns, to hold and enjoy the said Ferry for and during the Term of Eleven Years, from and after the Expiration of the said recited Act, under the same Restrictions, Penalties, and Forfeitures, and at and for the same Prices and Rewards, as in the said recited Act is comprized, limited, mentioned and appointed, and not otherwise.

John Sotcher appointed for 11 Years to hold the Ferry.

CHAP. CCXXVIII.

An ACT Impowring the Justices to settle the Prices of Liquors in Publick-Houses. and Provender for Horses in Publick-Stables.

WHEREAS it has been the Practice of Tavern-Keepers, Ale-House-Keepers and Inn-Holders to exact excessive Rates for their Wine, Beer, Cyder and other Liquors, and also Provender for Horses, without Regard to the Plenty and Cheapness thereof.

Be it therefore Enacted by *William Kieth, Esq;* by and with the King's Royal Approbation, Deputy Lieutenant and Governour under *William Penn, Esq;* Proprietary and Governour in Chief of the

the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That the Justices of the Peace of the respective Counties of this Province, as also the Mayor, Recorder and Aldermen of the City of Philadelphia, shall have full Power four Times in the Year, To wit, At the General Sessions of the Peace held for the said Counties and City respectively, to set such reasonable Prices on all Liquors retailed in Publick-Houses, and Provender for Horses in Publick-Stables, from Time to Time, as they shall see fit; which Prices shall be proclaimed by the Cryer at the Conclusion of their respective Sessions, and fixed upon the Court-Houses Doors, for publick View.

The Justices of the Peace of the respective Counties and the Mayor Recorder and Aldermen for the City of Philadelphia, to set prizes on all Liquors and Provender for Horses

The Method how and when.

And if any publick Ale-House-Keeper, Tavern-Keeper, Innholder or publick Stable-Keeper, exceed the Prices so set by the Justices, and be convict thereof by Oath or Affirmation of one or more Witnesses, before one or more Justices of the Peace of the respective Counties of this Province or City of Philadelphia; every such Offender shall for the first Offence be fined in any Sum not exceeding *Twenty Shillings*, and for the Second Offence *Forty Shillings*; and give Security for their good Behaviour; and for the Third Offence, upon Conviction in the Quarter-Sessions of the respective Counties or City of Philadelphia, *Five Pounds*, and not be recommended to keep a Publick-House or Tavern for the Space of Three Years after such Conviction.

And if any one offend against the said Orders shall be fined 20 s. for the first Offence, and for the second 40 s. for the third 5 l.

AT a general Assembly held at Philadelphia, in the Province of Pennsylvania, the Twenty fifth Day of April, in the Fifth Year of the Reign of our Sovereign Lord George King of Great-Britain, &c. Annoq; Domini, One Thousand Seven Hundred and Nineteen, the following Act was passed by William Keith, Esq; by the Royal Approbation Lieutenant Governour under William Penn, Esq; Absolute Proprietary and Governour in Chief of the said Province, That is to say.

Chap. 229. An ACT laying an Excise or Duty on all Wine, Rum, Brandy and other Spirits, retailed in this Province.
Expired. Z AT

AT a General - Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Seventh Year of the Reign of our Sovereign Lord *George*, King of *Great-Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Twenty, and continued by Adjournments till the Twenty fifth Day of *February* following, On which Day the following Acts were passed by *William Kieth*, Esq; Lieutenant Governour under *William Penn*, Esq; absolute Proprietary and Governour in Chief of the said Province of *Pennsylvania*, &c. That is to say.

Chap. 230. *An ACT for continuing several Acts therein mentioned, laying a Duty on Wine, Rum, Brandy, Spirits, Cyder, Hoops and Flax, Negroes and Vessels, until the Fourteenth Day of May, in the Year One Thousand Seven Hundred and Twenty Two. Expired.*

CHAP. CCXXXI.

An ACT for Erecting and Maintaining of POUNDS.

BE it Enacted by *William Kieth*, Esq; Governour of the Province of *Pennsylvania*, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That the Justices of *Philadelphia*, *Chester* and *Bucks*, in their respective Quarter-Sessions, are hereby authorized to appoint such and so many Pounds, and Persons in Charge of the same, in the most convenient Place or Places, as hereafter may be found needful. And upon Complaint made, or official Misdemeanor, may again change both the Place and Person offending, and impose such Fine as the Case may require. And

The Justices of Philadelphia, Chester and Bucks are Authorized to appoint Pounds for stray'd Cattle, where, and as many as they think fit, and appoint Persons to take Care of them.

And every Person so appointed, whilst in Charge of any Pound, as aforesaid, is likewise hereby impowered and required to receive, impound and keep all such Cattle and Horses as are, from Time to Time, brought to him, or any of them, in Pursuance of this Act; and shall strictly observe the Direction of the same, and make due Entries of all Transactions relating thereunto, in Order to be laid before the Quarter-Sessions when required.

All Persons in Charge of the Pounds shall make due Entry of the trespassing Cattle brought to them.

And be it further Enacted by the Authority aforesaid, That all Persons who shall at any Time hereafter take up, or secure any Cattle or Horses trespassing within their Inclosures, they are hereby directed and obliged forthwith to take or send the same to the next adjacent Pound-Keeper, under the Penalty of being prosecuted for a Detinure, unless the Owner of such trespassing Beast, or Beasts, shall make Restitution for the Damages to the Satisfaction of the Party grieved: In which Case he, she, or they may have their Creatures without farther Trouble or Delay. But if any such trespassing Creature shall be forcibly or clandestinely taken away from the Possessor, whether before or after the same be actually committed to the Care of the Pound-Keeper, every Person so Offending, upon Complaint and Proof made before any Magistrate, shall be bound over to the next Court of Quarter-Sessions, to answer the Damages; and shall be Fined by the said Court in any Sum not exceeding *Five Pounds*. But when the Owner of any Beast, trespassing and impounded, as aforesaid, shall appear and Claim their Property he, she, or they first paying the Charges by this Act, set to the Pound-Keeper, and satisfying the Damage to the Person injured by the said Trespass; the said Creatures shall be immediately restored to such Owner. And if the Parties concerned cannot adjust the Damages between themselves, nor with the Assistance of the Pound-Keeper, then the same shall be referred to some one Justice of the Peace, who may if he sees Cause appoint Viewers: And such Justice is hereby impowered and required to give Judgment; which shall be Definitive in every such Case.

Any Person taking up trespassing Cattle, are obliged to send them to the adjacent Pound Keeper, under Penalty of Detinure unless Restitution is made to the Party damaged.

Any Creature forcibly and clandestinely taken away from the Owner on Proof of the Person's so Offending he shall be bound over to the Quarter Session.

Any Owner, paying Charges and Damages to the Pound-Keeper, may have his Beast or Cattle again.

If the Parties concerned, and Pound Keepers cannot adjust Damages, a Justice of Peace shall decide it.

And the several Pound-Keepers within this Province are hereby obliged to take due Care of the Creatures to them brought, and shall forthwith enter their Marks, Natural and Artificial, in a Book for that Purpose, and shall sufficiently feed them daily at Grass, or with good Hay, (as the Season may require) and duly Water them, during the Time of their Continuance with them, and each of them respectively.

Pound-Keepers are obliged to take care of the Creatures, enter their Marks in a Book, and feed and Water them daily.

And be it further Enacted by the Authority aforesaid, That the Keeper of the Pound in the City of *Philadelphia*, as also
Z 2 the

The Keepers of the Pound in Philadelphia, and Burrough Towns of Chester and Bristol, shall have Superintendency over all the other Pounds.

the Keepers of the Pounds in the Burrough-Towns of *Chester* and *Bristol*, shall have a Super-intendency over all the other Pounds in their respective Counties: And the Persons in Charge of the other Pounds aforesaid, shall correspond with them, as Occasion may require; and are hereby obliged, to deliver into their Custody, respectively, all such Creatures for which no Claimer appears, as have been in any of the said remoter Pound-Keepers Possession for the Space of Ten Days, that the Owners thereof may with greater Ease be restored to their Property: At which Time of Receipt the said General Pound-Keeper of the County shall pay the remoter Pound-Keeper according to the Rates by this Law allowed, and shall reimburse himself again, as this Law directs, upon Delivery or Sale of any such Creature.

If no Owner of the Beast or Beasts, appear in 6 Month, or sooner, if thought fit by two Justices, the General Pound-Keeper shall have Power to sell the same at Vendue.

The Money arising from Sale of any Creature all Charges deducted, to be paid to the County Treasurer.

And be it further Enacted by the Authority aforesaid, That if no right Owner of such trespassing Beast, or Beasts, so brought to any of the General-Pounds, as aforesaid, appear within the Space of Six Months, then, or sooner if need require, with the Advice and Consent of any Two of the Justices of the City or respective Counties, it shall and may be lawful for the said General Pound-Keeper to sell the same by Publick Vendue for the Most that can be got: Who is hereby required to keep plain Accounts of his Transactions therein, and to lay the same before the Quarter-Sessions, as aforesaid, who are also hereby impowered to call for the said Accounts, and to order the Over-plus, together with all Fines and Forfeitures arising by this Act (if any be after the Deduction of all incident Charges allowed by the same) to be paid into the Hands of the County Treasurer for the Time being for the Use of the County.

Yet all trespassing Creatures shall be duly published, with their Marks, at the Court-House and Noted Places.

Provided always, That all such trespassing Creatures, as aforesaid, shall be duly publish'd in Writing, with their Marks described at large, at the Court-House, and other most noted Places in the said City and Counties respectively, within three Days next after being brought to the said General-Pound by the Keeper thereof.

If any Owner appear in Six Months after Sale, proving his Property, Charges deducted, he may have the remaining Money.

Provided also, That if the right Owner of such trespassing Beast shall appear within Six Months after Sale made, as aforesaid, and prove their Property to any such Creature sold in Pursuance of this Law, to the Satisfaction of the Justices in their respective Quarter-Sessions, they shall thereupon order Payment of the Money arising by such Sale, all lawful Charges first deducted, to the said Owner.

And be it farther Enacted by the Authority aforesaid, That the Rates here inserted shall be allowed, taken and paid by the Persons concerned, respectively, as the Case may require, and no other whatsoever: That is to say, First, The Keeper of each Pound shall pay to the Person that brings any trespassing Cattle, to be impounded, for each Horse *Six Pence*; for each Horned Beast *Three Pence*, and for each Sheep *One Penny*; Which shall be repaid him again on the Delivery or Sale of such Creature. And each Pound Keeper shall be allowed for Receiving and Booking each Horse *One Shilling*, each Horned Beast *Six Pence*, and each Sheep *Two Pence*; and also shall be allowed for Keeping and Feeding the same as this Act directs, *per Day*, for each Horse *Six Pence*; for each Horned Beast *Three Pence*, and each Sheep *One Penny*. And shall be farther paid the same Rates last aforesaid, respectively, for driving or taking any such trespassing Creature to the General-Pound, with this farther Addition of *One Penny per Mile*, travelling Charges. All which the Keeper of such General-Pound shall pay, and take his Satisfaction as herein before directed: Who is also hereby farther allowed, for Publishing in Writing, each Horse *Two Shillings*, each Horned Beast *One Shilling*, and each Sheep *Six Pence*: And shall further have the same Rate last aforesaid, for Selling such trespassing Creatures, pursuant to this Law. And moreover, shall be allowed a Commission of *Ten per Cent.* on all Sales by him made, as aforesaid; and the Overplus shall be return'd into the Quarter-Sessions to be disposed of by the Justices as aforesaid.

Rates to be allowed, taken and paid to the Persons concerned.

And be it farther Enacted by the Authority aforesaid, That to prevent Disputes about the Sufficiency of Fences, All Fences shall be esteemed lawful, or sufficient, though they be not close at the Bottom, so that the Distance from the Ground to the Bottom thereof exceed not *Nine Inches*, and that they be *four Feet and a Half high*, and not under.

To prevent disputes all Fences must be Four Feet and Half-high, and not exceed 9 Inches of being close at Bottom.

CHAP. CCXXXII.

An ACT for Regulating Party-Walls, Buildings and Partition-Fences in the City of Philadelphia.

WHEREAS divers Inconveniencies, Irregularities and Controversies have lately been, and still frequently happen, in Relation to Party-Walls, and laying the Foundation of Buildings in the City of Philadelphia: For the Remedyng whereof for the Future,

Enacted by reason of divers Inconveniencies relating to Buildings and Party Walls in the City of Philadelphia.

And

Be it Enacted by William Kieth, Esq; by the Royal Approbation Deputy Lieutenant and Governour under William Penn, Esq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That no Person or Persons, Builder or Builders whatsoever, shall, from and after the Twenty Fifth Day of March, One Thousand Seven Hundred and Twenty One, lay the Foundation of any Building or Party-Wall within the said City, before they have applied themselves to the Surveyors or Regulators, to be appointed by the Mayor and Commonalty of the said City in their Common-Council; who are hereby impowered to appoint Two or more, discreet and skilful Persons for that Purpose.

No Person, or Builder, shall lay the Foundation of any Building or Party Wall, before they apply to the Surveyors or Regulators.

Surveyors and Regulators have power to set out Foundations and Regulate the Walls.

And be it further Enacted by the Authority aforesaid, That the said Surveyors or Regulators, upon Application to them made, shall have full Power and Authority to enter upon the Land of any Person or Persons, in order to set out the Foundations, and regulate the Walls to be built between Party and Party, as to the Breadth or Thickness thereof. Which Foundation shall be laid equally upon the Lands of the Persons between whom such Party-Wall is to be made: And the first Builder shall be reimbursed one Moiety of the Charge of such Party-Wall, or for so much thereof as the next Builder shall have Occasion to make Use of, before such next Builder shall any ways use, or break into the said Wall. The Charge or Value thereof to be set by the said Regulators.

Any Person, or Builder, presuming to lay the Foundation of any Party-Wall, not viewed by the Surveyors or Regulators, s. l.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, shall of their own Authority, presume to begin or lay the Foundation of any Party-Wall, before the same be viewed and directed by the said Regulators, or some Two of them; every such Person, as well Employer as Master-Builder, shall Forfeit the Sum of Five Pounds, one Half to the Prosecutour or Informer, and the other Half to the Publick Use and Benefit of the said City; to be recovered by Bill, Plaint or Information in the Court of Common-Pleas, to be held for the City any County of Philadelphia, wherein no Protection or Wager of Law shall be allowed, nor any more than one Impar lance.

Provided always, and be it further Enacted by the Authority aforesaid, That if either Party, between whom such Foundation or Party-Wall is to be made, shall find themselves any ways aggrieved, by Order or Direction of the said Regulators, he or they may Appeal to the Mayor and Commonalty of the said City, at their next Common-Council, who shall

Yet if any Persons find themselves aggrieved by the Regulators, they may apply to the Mayor and Commonalty.

shall finally adjust and settle the same; which shall conclude and bind all Parties, the Costs whereof to be paid as the Mayor and Commonalty shall direct and appoint.

And be it further Enacted by the Authority aforesaid, That the said Regulators or Surveyors, attending the said Service, for their Pains and Trouble in and about the Premises, shall be paid by the Party or Parties concerned in such Foundation, or Erecting such Party-Wall, the Sum of Three Shillings each.

Regulators and Surveyors to be paid by the Parties concerned in Building.

And be it further Enacted by the Authority aforesaid, That the Surveyors or Regulators, or any Two of them, shall have full Power to regulate Partition-Fences within the said City; and where the adjoining Parties do improve or inclose their Lots, such Fences shall be made in the Manner generally used, and kept in good Repair at the equal Cost of the Parties: So that the Price for making exceed not Forty Shillings for every Hundred Feet; unless the Owners or Possessors between whom such Fence is or shall be Erected, do agree otherwise.

Surveyors and Regulators have Power to regulate Partition Fences in this City.

And be it further Enacted by the Authority aforesaid, That if either Party, between whom such Partition-Fence is or shall be made, shall neglect or refuse to pay his Part or Moiety for the repairing or setting up of such Partition-Fence, as aforesaid, that then the Party, at whose Cost the same was so repaired or set up, may have either his Action at Law, or have the same determined as in Cases of Debts under Forty Shillings, as the Case may require.

If either Party, between whom the Partition-Fence is, refuse to repair or set up the same, the other may have an Action at Law against him.

CHAP. CCXXXIII.

An ACT for the Trial and Punishment of Larceny under Five Shillings.

WHEREAS Small or Petty-Larcenies are frequently committed within this Province, by Persons unable to maintain themselves in Prison till Prosecution can be made, or to pay the Costs of such Prosecution, or to make such Restitution and Forfeiture, upon Conviction, as by Law is now required; by Means whereof a Publick-Charge is created, with many other great Inconveniences: For the better preventing whereof.

An Act for punishing small Theft, in a Way to prevent publick Charge and Inconvenience.

Be it therefore Enacted by William Keith, Esq; by the King's Royal Approbation Deputy Lieut. and Governour under William Penn, Esq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province in General-Assembly met, and by the Authority of the same, That if any Person or Persons, from and after the Publication hereof, shall be convicted, either by his, her or their own Confession, or the Testimony of other credible Evidence, before any Two Magistrates of the City of Philadelphia, or before any Two Justices of the Peace in their respective Counties within this Province, of having feloniously stolen any Money, Goods or Chattles, the same being under the Value of Five Shillings; such Person shall have Judgment to be immediately and publicly whipped upon his or her bare Back, not exceeding Fifteen Lashes, or be Fined for the first Offence, at the Discretion of the said Migistrates, in any Sum not exceeding Twenty Shillings, and to make Restitution, if able, to the Party wronged; and shall also pay the Charge of the Prosecution and Whipping, or shall be sent to the Work-House to be kept at hard Labour: And for want of such Work-House to be committed to Prison for such Charges, for any Time not exceeding Twelve Days; any Act of this Government to the Contrary notwithstanding.

Any Person convicted of Stealing Money or Goods under the Value of 5 s. to be presently and publickly whipped, or be fined.

Yet if the Person charged with such small Thefts request to be tried at Sessions it shall be granted giving Security for Appearance.

If a Servant, the Master or Mistress must be Surety for Appearance.

Provided always, and be it further Enacted by the Authority aforesaid, That if the Person or Persons, charg'd with such Larcenies, be free, and shall Request to be tried at the General-Sessions, or Court of Record, to be held for the said City or Counties respectively, the same shall be granted by the said Magistrates, he or they given Security for their Appearance to answer, or the Person so appealing shall be committed, as usual in such Cases. But if the Person charg'd with such Larcenies be a Servant, he or she, shall not have any Appeal, unless the Master, Mistress or Friend of such Servant shall become Security for his or her Appearance at the next Court, as is usual in such Cases.

Magistrates are to keep fair Records of their Proceedings herein.

And be it further Enacted by the Authority aforesaid, That one or more of the Magistrates, who shall give Judgment by Virtue of this Act, shall keep fair Records of his or their Proceedings therein.

AT a General Assembly begun at *Philadelphia*, the Fourteenth Day of *October*, in the Seventh Year of the Reign of our Sovereign Lord *George*, King of *Great-Britain, &c. Annoq; Domini*, One Thousand Seven Hundred and Twenty, and continued by Adjournments till the Twenty fifth Day of *February* following: And from thence, by Adjournments, till the Twenty sixth Day of *August*, One Thousand Seven Hundred and Twenty One, in the Eighth Year of his said Majesty's Reign: On which Day the following Acts were passed by *William Keith*, Bart. Lieutenant Governour under *William Penn*, Esq; absolute Proprietary and Governour in Chief of the Province of *Pennsylvania, &c.* That is to say,

CHAP. CCXXXIV.

A Supplementary ACT to a Law of this Province, Entituled, An Act that no Publick-House or Inn within this Province be kept without Licence.

WHEREAS divers Persons within this Province, under Colour of retailing Rum and other strong Liquors without Doors for the Conveniency and Supply of the Inhabitants in their Families: And for that End having obtained Permits from the Collector of the Excise, do sell in or about their Houses Drams and strong Liquors by small Measures, as well to Servants as others, Contrary to the true Intent and Meaning of the Laws of this Province.

None to retail Liquors by Permits from the Collector.

*No Minors and
Servants allowed to
tipple at Publick
Houses.*

And whereas divers Inn-holders or Tavern-Keepers, do frequently entertain and suffer Minors and Servants to be Tippling in their Houses: All which being to the great Damage of the Inhabitants and manifestly tending to the Corrupting of Youth, and Promoting Vice and Immorality: For preventing thereof,

*No Recommendation
to be issued, &c.
before security given.*

Be it Enacted, by Sir William Keith, Bart. by the King's Royal Approbation, Deputy, Lieutenant and Governour under William Penn, Esq; Proprietary and Governour in Chief of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That no Recommendation shall be issued by the Justices of the respective Counties of this Province, or the City of *Philadelphia*, in order to obtain Licence from the Governour for the Keeping any Tavern or Publick-House, as directed by an Act of this Province, Entituled, *An Act that no Publick-House or Inn within this Province, be kept without Licence*, before the Person or Persons desiring such Recommendation shall become bound in the *Prothonotary's*-Office unto the Governour, for the Time being, with Security, if required, in any Sum not exceeding *One Hundred Pounds*, That he or she, on obtaining such Licence, shall at all Times be of good Behaviour, and observe all the Laws and Ordinances, which are and shall be made relating to Inn-keepers or Taverners, within this Province.

*Keeping Publick-
House without giving
Security, the same as
without Licence.*

And whosoever shall keep a Tavern, Inn, or publick House of entertainment, before he or she hath given Bond, as aforesaid, such Person shall suffer the same Penalty as if the same had been done without Licence.

*No Persons but
those qualified must
retail Liquors in
small Quantities.*

And be it further Enacted by the Authority aforesaid, That no Person or Persons within this Province, other than such who are or shall be qualified so to do by the above recited Law, shall presume, by Virtue of any Permit from the Collector of the Excise, or under any other Colour or Pretence whatsoever, to sell, barter with, or deliver, any Wine, Rum Brandy, or other Spirits, Beer, Cyder, or any mixt or strong Liquors, which shall be used or drank within their Houses, Yards or Sheds; or which shall be with their Knowledge, Privy or Consent, used or drank in any Shelter, Places or Woods near or adjacent to them, by Companies of *Negroes*, Servants or others; or to retail or sell to any Person or Persons whatsoever, any Rum, Brandy or other Spirits, by less Quantity or Measure than one Quart; nor any Wine by any less Quantity or Measure than one Gallon; nor any Beer, Ale, or Cyder, by any less Quantity than

Two Gallons: And the same Liquors respectively delivered to one Person and at one Time, without any Collusion or Fraud, contrary to the true Intent and Meaning of this Act, under the same Penalty mentioned in the said recited Act for keeping Publick-House, or selling Liquors without Licence.

And be it further Enacted by the Authority aforesaid, That no Person or Persons keeping a Publick-House or Inn, shall trust or give Credit to any Person whatsoever for Liquors, or any other Inn or Tavern-Reckonings in any Sum exceeding *Twenty Shillings*, under the Penalty of forfeiting and loosing any such Debt.

Inn Keepers not to trust any Person above 20s. on Penalty of loosing such Debt.

And if any Inn-holder or Keeper of a Publick-House, or any Retailer, of Liquors within this Province, shall receive, harbour, entertain or trust any Minor under the Age of Twenty one Years, or any Servant knowing them to be such, or after having been cautioned or warned to the Contrary, by the Parent, Guardian, Master or Mistress of such Minor or Servant, in the Presence of one or more credible Witnesses or Witnesses, such Inn-holder, Keeper of Publick-House, or retailer of Liquors so offending, shall for the First or Second Offence, being duly convicted thereof, forfeit and pay the Sum of *Twenty Shillings*, for every such Offence, over and above the Loss and Forfeiture of any Debt, such Minor or Servant shall or may contract for Liquors or Entertainment: And upon Conviction for the Third Offence the Licence obtained by such Offender is hereby declared null and void, and the Person so repeatedly offending shall forfeit and pay the Sum of *Five Pounds*, and be forever after incapable of keeping a Publick-House or Inn, within this Province.

No Minor or Servant to be trusted on Penalty of 20s.

And be it further Enacted by the Authority aforesaid, That no Person whatsoever, within this Province, shall presume by any Means to furnish, supply or sell to any *Negroe* or *Indian* Servants, any Rum, Brandy, Spirits or any other strong Liquors whatsoever, mix'd or unmix'd, either within or without Doors; or shall receive, harbour or entertain any *Negroe* or *Indian* Servant, in or about their Houses, without special Licence had and obtained, under the Hand of the Master or Mistress of such *Negroe* or *Indian* Servant respectively, under Penalty of forfeiting and paying for the First Offence *Twenty Shillings*; and for the Second and every Offence after, *Thirty Shillings*; to be recovered before any one Justice of the Peace of the County where the Offence is committed, upon Proof of one or more credible Witness or Witnesses, or upon the View of any Magistrate within the respective Counties of this Province, where the Fact shall be committed.

Harbouring or furnishing Negroes or Indian Slaves with Liquors, forfeits 20s for the 1st & 30s for the 2^d Offence.

*Truſſing any Per-
ſon or Servant above
20s. and ſuing for the
ſame to be non ſuited
& pay double Coſts.*

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons, keeping a Publick-Houſe, or Inn, or retailing Liquors, as aforeſaid, in this Province, ſhall truſt or credit any Perſon for Liquors retailed, or other Expences above Twenty Shillings, as aforeſaid, or ſhall preſume to ſue any ſuch Perſon, or ſhall arreſt or attach any Servant for any Debt contracted for Liquors or Accommodations, knowing ſuch Perſon to be a Servant; and after they have been warned or cautioned not to entertain ſuch Servant, as aforeſaid, all ſuch Actions and Suits ſhall abate, and the Perſon ſued and the Maſter or Miſtreſs in Behalf of ſuch Servant, or the ſaid Servants themſelves being ſued, as aforeſaid, ſhall and may plead this Act in Bar; and the Plaintiff in ſuch Suit, ſhall become Nonſuit and pay double Charges.

*Forfeitures &c. one
Half to the Poor,
and the other to the
Servant, Maſter, &c.*

And be it further Enacted by the Authority aforeſaid, That the ſeveral Fines impoſed by this Act, ſhall be levied by Execution on the Offender's Goods, or his or her Perſon be committed to the County-Goal, until the ſame be paid upon Conviction of the Party before the Mayor or Recorder of the City of Philadelphia, for Offences againſt this Act committed in the City of Philadelphia; and before any one or more of the Magiſtrates of the County, for Offences committed in the reſpective Counties: And that all Fines and Forfeitures recovered by Virtue of this Act, which are not otherwiſe appropriated by any former Act, ſhall be applied in Manner following: That is to ſay, The one Moiety ſhall be paid to the Father, Mother, Gardian, Maſter or Miſtreſs of the Minor or Servant entertain'd, as aforeſaid, or to the ſaid Servant, as the Magiſtrate ſhall direct; and the other Moiety ſhall be paid to the Overſeers of the Poor of the City or County where the Offence is committed, for the Uſe of the Poor of the ſaid City and County.

CHAP. CCXXXV.

An ACT for preventing Accidents that may happen by FIRE.

*Breaching any Veſ-
ſel with blazing Fire
in any Dock, or at any
Wharf &c. in Phila-*

BE it Enacted by Sir William Kieth, *Part. Governour of the Province of Pennsylvania, &c. by and with the Advice and Conſent of the Free-men of the ſaid Province in General Aſſembly met, and by the Authority of the ſame,* That if any Maſter, or other Perſon whatſoever, ſhall Breame any Ship, Sloop or other Veſſel with blazing Fire, or cauſe the ſame to be done in any of the Docks, or at any of the Wharfs

Wharfs within the Limits of the City of *Philadelphia*; except in such Place or Places, as shall from Time be appointed for that Service by the Mayor and Commonalty of the said City. And if any Master, or other Person whatsoever, shall heat, or cause to be heated with blazing Fire, any Pitch, Tar, Turpentine, Rosin, Oyl, Tallow or any other sulphurous Matter, for the Use of any Ship or Vessel, other than such as shall be on the Stocks; except in such Places as shall be, from Time to Time, appointed, as aforesaid. Every such Master, or other Person whatsoever, doing or causing the same to be done, being convict thereof, by one or more credible Witnesses, before the Mayor and Recorder, or any Two Magistrates of the said City, shall forfeit and pay the Sum of *Five Pounds* for every such Offence, together with Costs of Prosecution; one Half whereof for the Use of the Person or Persons who shall sue or prosecute for the same, and the other Half to be paid to the City Treasurer for the Use of the said City.

Philadelphia, heating of Pitch &c. without Leave forfeits 5l.

And be it further Enacted by the Authority aforesaid, That if any Master or other Person whatsoever, shall suffer any Fire to be kept (Candle excepted) after the Hour of Eight in the Evening, on Board any Ship or other Vessel, lying in any of the Docks, or at any of the Wharfs aforesaid, or in the Road before the said City, being convict thereof, as aforesaid, shall for every such Offence forfeit and pay the Sum of *Ten Shillings* for the Uses aforesaid.

No Fire to be kept on Board any Vessel after 8 at Night.

Provided always, That it shall and may be lawful for the Mayor of the City of *Philadelphia*, for the Time being, by Licence under his Hand to permit the Master of any Vessel, lying in the Road of *Philadelphia*, aforesaid, to use Fire on Board such Ship or Vessel after the Hour of Eight aforesaid, in Case of Sicknefs, or any other extraordinary Occasion, any Thing in this Act to the Contrary notwithstanding.

The Mayor of Philadelphia, may permit a Fire on Board a Vessel at Night.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons within the City of *Philadelphia*, or Towns of *Chester*, *Bristol*, *German-Town*, *Darby* or *Ch. chester*, shall set on Fire their Chimnies to cleanse them, or shall suffer them, or any of them, to take Fire and Blaze out at the Top, and be duly convicted thereof, by one credible Witness, before any one Justice of the Peace of the said City or Counties, such Person or Persons shall forfeit and pay for every such Offence *Twenty Shillings*, for the Use of the said City or Towns respectively where such Offence shall

Firing of chimnies 20s.

shall happen. And the first Paragraph of an Act of Assembly of this Province, imposing a Fine of *Forty Shillings*, upon every Person that shall Fire, or suffer their Chimnies to be fired, shall and is hereby declared to be repealed and made void.

And whereas much Mischeif may happen by Shooting of Guns, throwing, casting and firing of Squibs, Serpents, Rockets and other Fire-Works, within the City of *Philadelphia*, if not speedily prevented,

*Fire-Works not to
be sold or fired in
Philadelphia,*

Be it therefore Enacted by the Authority aforesaid, That if any Person or Persons, of what Sex, Age, Degree or Quality soever, from and after Publication hereof, shall fire any Gun, or other Fire-Arms, or shall make, or cause to be made, or sell or utter or offer to expose Sale any Squibs, Rockets, or other Fire-Works; or shall cast, throw or fire any Squibs, Rockets, or other Fire-Works, within the City of *Philadelphia*, without the Governour's special Licence for the same; of which Licence due Notice shall first be given to the Mayor of the said City; such Person or Persons so offending, and being thereof convicted before any one Justice of the Peace of the said City, either by Confession of the Party so offending, or by the View of any of the said Justices, or by the Oath or Affirmation of one or more Witnesses, shall for every such Offence forfeit and pay the Sum of *Five Shillings*, one Half to the Use of the Poor of the said City, and the other Half to the Use of him or them who shall prosecute and cause such Offender to be, as aforesaid, convicted: Which Forfeitures shall be levied by Distress and Sale of the Offendor's Goods, as aforesaid; and for want of such Distress if the Offender refuse to pay the said Forfeiture, he shall be committed to the Prison for every such Offence the Space of Two Days, without Bail or Mainprize.

*Conviction to be
made within 10 Days
and a Negroe or Indian
Slave offending shall
be publicly whip'd.*

Provided, That such Conviction be made within Ten Days after such Offence committed. And if such Offender be a *Negroe* or *Indian* Slave, he shall, instead of Imprisonment, be publicly whip'd at the Discretion of the Magistrate.

CHAP. CCXXXVI.

An ACT to prevent the Killing of Deer out of Season, and against carrying of Guns and Hunting by Persons not qualified.

BE it Enacted by William Kieth, Bart. Governour of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any Buck, Doe, Fawn, or any other Sort of Deer whatsoever, at any other Time or Season, except only betwixt the first Day of July, and first Day of January, he shall forfeit and pay for every such Buck, Doe, Fawn or other Deer so kill'd or destroy'd, as aforesaid, the Sum of *Twenty Shillings*; one Half thereof to the Poor of the Township where the Offence is committed, and the other Half to him who shall inform or sue for the same, before any Justice of the Peace of this Province, who is hereby impowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witneses.

Killing of Deer between the 1st of July and the 1st of January forfeit, 20 s.

Provided, That such Conviction be made within Two Months after such Offence committed.

Conviction to be made in 2 Months.

And for the better Convicting of Offenders against this Act, *Be it farther Enacted by the Authority aforesaid*, That every Person, in whose Custody shall be found, or who shall expose to Sale, any Green Deer Skins, Fresh Venison, or Deer's Flesh, at any other Time of the Year than what is before excepted, and shall be convicted thereof, as aforesaid, shall be deemed guilty of the said Offence: And that the same Green Deer Skins, Fresh Venison or Deer's Flesh so found, as aforesaid, shall be held to be good Evidence in the Cases aforesaid.

Selling green Deer Skins or Venison &c. deemed guilty of this Offence.

Provided always, That nothing contained in this Act shall be deemed or construed to extend to any Free Native Indians, carrying Guns, Hunting, Killing, and having in their Custody any Skins or Deer's Flesh for their own Use; any Thing in this Act to the Contrary notwithstanding.

Free Native Indians excepted.

And whereas diverse Abuses, Damages and Inconveniences have arose by Persons carrying Guns, and presuming to hunt

hunt on other Peoples Lands: For Remedy whereof for the Future, *Be it Enacted by the Authority aforesaid*, That if any Person or Persons shall presume, at any Time after the Sixteenth Day of *November*, in this present Year One Thousand Seven Hundred and Twenty One, to carry any Gun or hunt on any improved or inclosed Lands of any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall for every such Offence Forfeit the Sum of *Ten Shillings*. And if any Person whatsoever who is not Owner of Fifty Acres of Land, and otherwise qualified in the same Manner as Persons are, or ought to be by the Laws of this Province, for electing of Members to serve in Assembly, shall, at any Time after the said Sixteenth Day of *November*, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Five Shillings* for every such Offence.

None to hunt in inclosed Lands &c, on Penalty of 10 s.

None to hunt in open Woods except those qualified, on Penalty of 5 s.

And be it further Enacted by the Authority aforesaid, That no Person whatsoever shall presume to shoot at, or kill with a Fire-Arm, any Pidgeon, Dove, Partridge, or other Fowl, in the open Streets of the City of *Philadelphia*, or in the Gardens, Orchards and Inclosures adjoining upon and belonging to any of the Dwelling-Houses within the Limits of the said City, upon the Forfeiture of *Five Shillings*, for every such Offence, to be convicted in Manner aforesaid.

Killing any Pidgeon, &c. in Philadelphia, &c. forfeits 5s.

All which Penalties and Forfeitures shall go, one Moiety to the Informer, and the other to the Poor of the Township where such Offence is committed: But if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay, the same shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the Over-plus, if any be, the Charge of Distraint being first deducted; and for Want of such Distress he shall be committed to Prison, where the Forfeiture is *Twenty Shillings*, for the Space of Ten Days; and where the Forfeiture is *Ten Shillings*, for the Space of Five Days; and if the Forfeiture be *Five Shillings*, for the Space of Two Days, without Bail or Mainprize.

Forfeitures to be levied on the Offender's Goods or suffer Imprisonment, without Bail, &c.

CHAP. CCXXXVI.

*An ACT for the well Tanning and Curry-
ing of Leather, and Regulating of Cord-
wainers, and other Artificers, Using and
Occupying Leather within this Province.*

WHEREAS very great Abuses have been committed by Tanners, Curriers, and other Persons Using and Working of Leather within this Government; and the Prices of Leather become very exorbitant and burthensome to the People of this Province.

To the Intent therefore that a reasonable and indifferent Course, for the true and well Tanning, Curryng and Working of Leather, may be from henceforth established and appointed, and yet the Persons using the several Crafts and Miferies aforesaid, may not be more strictly bound and limited than the necessary Regard of the Welfare and general Commodity of all his Majesty's Subjects within the said Province requireth.

Be it Enacted by Sir William Kieth, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General-Assembly met, and by the Authority of the same, That from and after the Twenty Fifth Day of November next, in this present Year of our Lord One Thousand Seven Hundred and Twenty one, if any Person or Persons, using, or which shall use the Miftery or Faculty of Tanning, or any Person or Persons importing, or who shall import any Leather into this Province, shall at any Time or Times hereafter offer or put to Sale any kind of Leather, which shall be insufficiently and not thoroughly tann'd; so that the same by the Triers of Leather, lawfully appointed by Virtue of this present Act, for the Time being, shall be found insufficiently and not thoroughly tann'd, that then all and every such Person and Persons so offending, shall forfeit such Leather as shall be found insufficiently and not thoroughly tann'd; unless the Party importing the same will give Security to the Triers, to be appointed by Virtue of this Act, to export the said Leather (so imported and being insufficiently tann'd) without working, or manufacturing, or causing the same to be wrought or manufactured in this Province.

Any Tanners, or Persons importing Leather into this Province after Nov. 25. 1721, insufficiently tann'd forfeit the Leather, unless Security is given to export the same unwrought.

Any Person using the Trade of Tanning shall not occupy the Trade of Shoemaker or Currier.

And be it further Enacted by the Authority aforesaid, That no Person or Persons using the Mistry of Tanning of Leather, by him or themselves, or any other Person or Persons, from and after the Twenty Fifth Day of November next, in the Year of our Lord aforesaid, shall, during the Time that he or they shall use the said Mistry of Tanning, occupy or use the Mistry of a Shoemaker or Currier, or any other Artificer Using or Exercising the Cutting or Working of Leather, upon Pain to loose and forfeit all and every such Hide and Hides, Skin and Skins, so by them, or any of them, wrought or curried, during the Time that he or they shall use the Mistry or Craft of Tanning, or the just Value thereof.

No Person but a Tanner shall buy or contract for green Hides or Calf Skins except for their own Use.

And be it further Enacted by the the Authority aforesaid, That no Person or Persons whatsoever, after the Twenty Fifth Day of November aforesaid, shall buy or make any Contract for any unwrought Hides or Calf-Skins in the Hair, but only such Person or Persons as use the Trade or Mistry of a Tanner, or shall tann or taw the same, except such Persons as shall purchase them to be tann'd for their own private Use, or shall purchase Salt or raw Hides for any Persons private Use, or the necessary Use of Ships or Vessels going to Sea.

No raw Hides to be exported, except to New Jersey, and Counties of New-Castle, Kent and Sussex. The Penalty three times the Value of the Hides, &c.

If no Owner is found the Possessor is deemed such and shall pay.

Owner and Masters of Vessels, or Seamen, knowing of such Offence, and not discovering, forfeit treble the Value.

And be it further Enacted by the Authority aforesaid, That it shall not be lawful for any Person or Persons to lade ship, or carry in any Ship or Vessel, Entering and Lading in any Port of this Province, any Leather or raw Hides, with Intent to transport or carry the same into any Place or Places out of this Province, except such as may be carried to the Province of New-Jersey, and Counties of New-Castle, Kent and Sussex upon Delaware, to be wrought up there, and except Leather imported into this Province, upon Pain of Forfeiture of the said Leather, or raw Hides so laden and transported, and treble the Value thereof to be forfeited by the Owner or Owners thereof; And if no Owner can be found, then the Person in whose Custody or Possession the same shall be found, to incur the like Penalty of the treble Value, as aforesaid. And the Owner or Owners of the said Ships or Vessels, knowing of such Offence and not discovering the same, shall forfeit three Times the Value of the Leather and Hides so shipped or exported. And the Master or Marriners knowing of such Offence, and not discovering the same, shall forfeit the treble Value, as aforesaid, or be imprisoned for any Time, at the Discretion of the Justices of the Court of Quarter-Sessions, not exceeding Six Months, without Bail or Mainprize.

And

And be it further Enacted by the Authority aforesaid, That from and after the Twenty Fifth Day of November, in the present Year of Our Lord One Thousand Seven Hundred and Twenty One no Tanner or Tanners, Person or Persons whatsoever within this Province, shall sell for, or take or receive of any Person or Persons whomsoever within this Province, above the Rate of *Nine Pence*, Current Money of *America*, for a Pound of well-tann'd Leather, and so proportionably for a greater Quantity, on Penalty of forfeiting the said Leather, and *One Shilling* for every Pound so sold above the Rate aforesaid.

No Tanner to receive more than 9 s. d. per lb. for Leather well tann'd. Forfeiture of the Leather so sold, and 1 s. per lb. besides.

And that no Person or Persons within this Province shall, by any Means, occupy or put in any made Wares, any curried Leather, before the same shall be searched and allow'd by the Sealer or Searchers, according to the Direction of this Act, to be well and sufficiently curried; and that every Shoemaker, and other Artificer and Cutter of Leather, shall forfeit for every Hide or Skin so used or occupied without Sealing and Searching, as aforesaid, the Sum of *Ten Shillings*, and the Value of such Hide or Skin so used and occupied.

Searchers and Sealers to see the Leather well tann'd, and Cutters of Leather, using any other, forfeit 10 s. and the Value of the Hide or Skin so used.

And be it further Enacted by the Authority aforesaid, That no Person occupying or using the Mystery of a Shoemaker, shall make or cause to be made any Boots, Shoes, or Slippers for Sale, but of Leather well and truly tann'd and curried, and well and sufficiently sewed, with good Thread well twisted and made, and well waxed: Nor shall mingle the Over-Leather, that is to say, Part of the Over-Leather being of Neats-Leather and Part of Calves-Leather; nor shall put into any Boots, Shoes, or Slippers for Sale, any Leather made of Sheep-Skin, Bull-Hide or Horse-Hide; or into the Upper-Leather of any Shoes or Slippers, or into the Inner-Part of any Boots, (the Inner-Part of the Shoe excepted) any Part of any Hide from which the Sole-Leather is cut, called *The Womb's-Neck, Shank, Flank, Powle* or *Cheek*, upon Pain of Forfeiture of all such Shoes, Boots and Slippers, to be divided and applied in Manner directed by this Act.

No Boots, Shoes, or Slippers to be made but of Leather well tann'd, or as directed.

And that no Shoemaker, or other Person, shall take or receive above the Rate of *Six Shillings* and *Six Pence* for a Pair of good well-made Men's Shoes, and *Five Shillings* for a Pair of good, plain, well-made Women's Shoes; and so proportionably for all smaller Shoes, for any Person above Four Years of Age, according to their several Sizes, to be set and rated by the Mayor and Aldermen of the City of *Philadelphia*, in their Quarterly-Court of Record, and by the Justices of the respective Counties within this Province, in their respective

Rates to be taken for Shoes.

General Quarter-Sessions of the Peace, on Pain of forfeiting all such Shoes as shall be sold above the Rates in this Act directed and limited, and above the several Rates that shall, from Time to Time, be set and rated by the aforesaid Mayor and Aldermen, and the said Justices in their respective Courts of Quarter-Sessions, in Manner before mentioned.

Justices upon Penalty of Forty Pounds, shall once in two Years, or oftner, choose Sealers and Searchers of Leather

And be it further Enacted by the Authority aforesaid, That the Mayor and Aldermen of the City of Philadelphia, for the Time being, and the Justices of the several Courts of Quarter-Sessions of the Peace for the Counties of Philadelphia, Chester and Bucks, upon the Penalty of Forty Pounds, to be recovered and employed as other Forfeitures in this Act mentioned, shall at their next respective Courts of Quarter Sessions, to be held after Publication of this Act, and afterwards once in every Two Years, or oftner if need be, nominate and appoint One or more honest and skilful Person or Persons of their respective Cities and Counties, who shall be Sealers, and keep a Seal, to be prepared by the Directions of the said Justices, for the Sealing of Leather : Which Sealers and Searchers shall also be sworn or affirmed before the Mayor and Aldermen aforesaid, and before the Justices of the said General Quarter-Sessions of the Peace in their respective Cities and Counties, to do their Office of Sealers and Searchers of Leather truly. Which said Sealers and Searchers shall View and Search all Leather, and finding it sufficiently and thoroughly tann'd and dried, shall Seal the same with the said Seal, for which the said Sealer and Searcher shall receive of the Owner or Owners of such Leather, for every Dicker of Hides so searched and seal'd, One Shilling; and for every single Half-Dicker, Eight Pence; and for any less Number than Halt a Dicker, Two Pence per Hide; and Four Pence for every Dozen of Calf-Skins by him so sealed. And that no Sealer and Searcher shall continue above Two Years in his Office aforesaid, at one Time. And that the said Searchers and Sealers shall, and by this Act are impowered, to enter into any Tan-Yard, Shop, or other House or Place whatsoever, and Search for Leather tanned or occupied, and for Shoes, Boots, Slippers, Saddles, and all other Wares made for Sale, contrary to the Directions and true Intent and Meaning of this Act; And in Case of Opposition or Refusal, to break open Doors and other Obstacles, and the same Leather or Wares to seize; and after Seizure, to bring the same to the Mayor of the City of Philadelphia, and to any of the Justices of the Counties aforesaid respectively, who shall forthwith appoint Three honest and skilful Persons to be Triers, who shall openly, in some Market-Place, or publick Place, try whether the same Leather, Boots, Shoes

The Office and Duty of the Sealers and Searchers of Leather.

Shoes or other Wares so seized, be sufficient and according to the true Intent and Meaning of this Act: Which said Trial shall be made upon the Oath or Affirmation of the Triers; and if the same be found insufficient, then the said Leather, Shoes, Boots, Slippers, and other Wares, shall be forfeited and appraised, and disposed of as the said Mayor and Aldermen of the City of *Philadelphia*, and Justices at their next respective Court of Quarter-Sessions, in their several Counties, shall direct. And that no Person or Persons shall buy any forfeited Wares to sell again, on Pain of forfeiting three times the Value thereof. And every Person or Persons resisting the Searcher or Searchers, in any Part of their Duty enjoined them by this Act, shall forfeit the Sum of *Twenty Pounds*, to be recovered and applied in the Manner and to the Uses in this Act directed.

And be it further Enacted by the Authority aforesaid, That any Person or Persons, or Officer sued for any Thing done by Virtue, or in Pursuance of this Act, may plead the general Issue, and give this Act and other special Matter in Evidence: And if the Prosecutor shall be cast, or become Non-suit, he shall pay treble Damages to such Person or Officer, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Complaint or Information.

*And be it further Enacted by the Authority aforesaid, That no Currier shall refuse or neglect well and sufficiently to curry Leather within Six Days in Summer, and Twelve Days in Winter, after he shall or may take it in Hand, nor curry any Hide or Skin not seal'd by the Officer appointed by this Act, on Pain to forfeit, for every Hide or Piece of Leather not curried accordingly, Fifteen Shillings. And that the said Searchers and Sealers, who shall travel from the Place of his or their Habitation to Search or Seal any Leather, shall be allowed and paid by the Tanner, or Owner of such Leather, Three Pence for each Mile. And that the said Sealers and Searchers, to be appointed by Virtue of this Act, shall, upon Request made unto them, forthwith Search and Seal all such Leather as shall be sufficiently tann'd, which shall be brought unto them respectively, or shall be within the City of *Philadelphia*; and shall, within one Day after Request made unto them, go to any Tann-Yard, or other Place, to Search and Seal Leather sufficiently tann'd, on Pain to forfeit Forty Shillings for each wilful Neglect: Which Penalty, with all other mentioned in this Act, not otherwise appropriated, shall be one Moiety to the Governour, for the Support of Government, and the other Moiety to the Person or Persons that will*
inform

Curriers must sufficiently curry Leather in Six Days in Summer, and Twelve Days in Winter, but not till Sealed.

Sealers and Searchers Allowance for travelling, and they are forthwith to do their Duty.

*Forfeitures, One
Half to the Governor
and the other to the
Informers,*

inform or sue for the same. And that the Recovery of all Forfeitures and Penalties, under *Forty Shillings*, shall be heard and determined by the Mayor or any one or more of the Aldermen of the City of *Philadelphia* and by one or more of the Justices of the respective Counties out of Sessions. And that all Forfeitures and Penalties, above the Value of *Forty Shillings*, shall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no *Essoyn*, Protection or Wager of Law, nor any more than one *Imparance* shall be allowed.

*The Exportation
of Boots, Shoes, Slip-
pers, Saddles, &c.
is not prohibited.*

Provided nevertheless, That this Act, or any Thing therein contained, shall not extend to the Prohibiting the Exportation of Boots, Shoes, Slippers, Saddles and other Wares, manufactured and made of Leather within this Province.

*Tann'd Leather
may be exported,
when it is not above
8 d. per lb.*

Provided also, That it shall and may be lawful for any Person or Persons to export tann'd Leather, out of this Province, when the Price does not exceed *Eight Pence per Pound*, a Permit being first had and obtained, for which there shall be paid *One Shilling*, and no more, by the Exporter or Owner of such Leather, from the Mayor and Two of the Aldermen of the City of *Philadelphia*, for the said City, and from Three or more Justices of the Peace, for the respective Counties of *Philadelphia*, *Chester* and *Bucks*, certifying the common Price of well-tann'd Leather not to be, nor have been above *Eight Pence* for at least one Month before the Date of such Permit, which Permit shall be granted for no longer Time than the Space of one Month; and if the same be granted for any longer Time, or in other Manner than in this Act is directed and limited, the same shall be void, and the Parties concerned in the Exportation of such Leather, shall be liable to all the Penalties of this Act, as if no such Licence or Permit had ever been granted.

*Butchers gashing,
and slashing Hides,
and exposing them to
Sale, forfeit 2 s. for
every Hide and 6 d.
every Calf skin.*

And be it further Enacted by the Authority aforesaid, That if any Butcher, or other Person, shall Gash, Slash or cut any Hide of any Ox, Bull, Steer, Cow or Calf-Skin, in Fleaing thereof, or otherwise, so as the same shall be impaired or hurt, and shall expose or offer the same to Sale such Offender shall forfeit *Two Shillings* for every such Hide of Ox, Bull, Steer or Cow, and *Six Pence* for every such Calf-Skin.

*Offering to Sale
purified Hides, for
feits 3 s. and Skins
9 d.*

And if any Person shall offer or expose to Sale any purified Hide or Skin, such Person shall forfeit for every such Hide, so offered to Sale, *Three Shillings*, and for every such Skin

Skin *Nine Pence*; One Half of which Forfeitures shall be paid to the Tanner, or Person purchasing such Hide, and the other Half to the Overseers of the Poor of the City or County where such Hide shall be cut, slash'd, gash'd and expos'd to Sale.

AT a General Assembly begun at *Philadelphia*, the Fourteenth Day of *October*, in the Eighth Year of the Reign of our Sovereign Lord *George*, King of *Great-Britain, &c. Annoq; Domini*, One Thousand Seven Hundred and Twenty One, and continued by Adjournments till the Twenty second Day of *May* One Thousand Seven Hundred and Twenty Two, the following Acts were passed by *William Keith*, Bart. Lieutenant Governour under *William Penn*, Esq; absolute Proprietary and Governour in Chief of the Province of *Pennsylvania, &c.* That is to say,

CHAP. CCXXXVII.

An ACT for imposing a Duty on Persons convicted of heinous Crimes, and imported into this Province as Servants, or otherwise.

WHEREAS many Persons trading into this Province have, for Lucre and private Gain, imported and sold, or disposed of, and daily do import and sell as Servants for Term of Years, divers Persons convicted of heinous Crimes, who soon after their coming into this Province, do often run-away and leave their Masters Service,

vice, and commit many heinous Felonies, Robberies, Thefts and Burglaries, to the great Loss of Persons purchasing such Servants, and to the great Hurt in general of his Majesty's good Subjects residing in, and trading to and from, this Province.

Be it therefore Enacted, by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That all Masters of Vessels, Merchants or others, who shall import, land or bring into any Port or Place belonging to this Province, at any Time after the Publication of this Act, any Person in the Condition of a Servant or otherwise, within the Intent and Meaning of this Act, who hath been convicted of any Murder, Burglary, Rape Sodomy, Forgery, Perjury or any other Felony whatsoever, at any Time before such Importation, or coming into this Province, shall pay, for the Use hereafter mentioned, the Sum of Five Pounds for every such Convict so imported, or otherwise brought in, before the said Servant or Convict shall be landing or put on Shore: And shall further become bound, with good and sufficient Security, to the Treasurer of this Province, for the Time being, in the Sum of Fifty Pounds, for the good Behaviour of such Convict Person for the Space of one Year, next after his or her Importation or coming into this Province.

*Convicts imported
to pay 5 l. per Head.*

*Importer to give
Security for their good
Behaviour.*

And for the better Discovery of such Convicts, who shall hereafter be imported into this Province, to be sold, as aforesaid,

Be it further Enacted by the Authority aforesaid, That all Masters of Vessels, Merchants and others, who shall hereafter bring into any Port or Place belonging to this Province, by Land or Water, any Men or Women Servants, or Persons convicted, as aforesaid, shall within the Space of Twenty four Hours after their Arrival into any Port or Place of this Province, forthwith make Entry and give, or cause to be given, upon Oath or Affirmation, to the Collector of the said Duty, for the Time being, a true and just Account of all the Names of the Servants and Passengers so imported, or brought in; which Account the said Collector shall duly enter, and shall forthwith give Notice thereof to any Two or more of his Majesty's Justices of the Peace, for the City or County where such Servants or Passengers shall be imported: Which Justices are hereby empowered and enjoined immediately by Warrant, or otherwise to call before them the said Master, Merchant or other Person or Persons import-

*Masters, &c. to
make Entry in 24
Hours after Arrival.*

importing such Servant or Servants, or Passengers, as aforesaid, and to examine upon Oath or Affirmation the said Master, Merchant and all other Persons who may be supposed to have any Knowledge of the Character and Circumstances of such Servant or Passengers. And thereupon shall grant unto the Master, Merchant or Owner, or other Persons having the Charge or Care of any Servant or Servants, or Passengers so imported or brought into this Province, a Certificate, containing the Names of all the Servants or Passengers which such Justices shall judge fit to be landed or disposed of as Servants, and do not appear to them to have been formerly convicted of any of the Crimes mentioned in this Act: For which Examination, Permit and Certificate, there shall be paid to the Justices aforesaid, *One Shilling per Head*, and no more.

Justices to call them or any others before them, &c.

And if any Servant or Servants, or other Person, shall be imported, or brought into any Port or Place in this Province, with Intent to be sold or disposed of as Servants, and being above the Age of Twelve Years, (whose Age shall be adjudged of by any Two or more, of the Justices of the County where such Servant or other Person is brought in, or offer'd to be sold or disposed of) without making such Entry, as aforesaid, in the Manner before directed, and paying the Duty, and giving the Security, as aforesaid, within the Time limited by this Act for that Purpose, or obtaining such Certificate from the Justices, as aforesaid, every such Master of a Vessel, Merchant and other Person so importing landing or bringing in such Servants or other Persons, shall forfeit and pay for each Servant or other Person so imported, brought in or landed, contrary to the Direction of this Act, the Sum of *Twenty Pounds*, one Half, after the Charge of Prosecution deducted, to the Governour, for the Support of Government, and the other Half, after the Charges deducted, as aforesaid, to the Collector, or to such Person or Persons as will sue for the same, in any Court of Record in this Province, by Bill, Complaint, or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

201. Fine for importing Servants contrary to this Act.

Provided always, That this Act shall not extend to any Child, or Children, under the Age of Twelve Years, imported as Servants into this Province, or to any Merchant, or other Person or Persons having the Charge or Care of any Servant or Servants, or other Persons imported or brought into this Province, who, within the Time limited by this Act for making such Entry and obtaining such Certificate from the Justices, as is before directed, shall enter into Bond to the Treasurer of this Province, for the Time

being, (which Bond, with all other Securities enjoined to be taken by the Virtue of this Act, the Collector of the Duties aforesaid, for the Time being, is hereby impowered and required to take) in the Sum of *Twenty Pounds* for each Servant or other Person so imported, with Condition thereunto annexed, That such Master, Merchant or other Person or Persons, having the Charge or Care of any such Servant or Servants, or other Person, shall, within the Space of three Months next after such Servant or Servants, or other Persons Arrival or Coming into any Port or Place of this Province, actually and *bonâ Fide* ship off or send out of this Province, such Servant or Servants, or other Person, so as not to return again without complying with this Act. For which Bond the said Collector shall receive the Sum of *Two Shillings* and *Six Pence*, and no more.

*Merchants, Sec not
complying wth this
Act, must ship off such
Servants in 3 Months*

*Security not given
the Servant is declar-
ed free.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons within this Government, shall buy, agree with or contract for any Servant with the Master of any Vessel, Merchant or other Person or Persons being the Owner, having the Charge or Care of any Servant or Servants, or other Person imported or brought into any Port or Place in this Province, above the Age of Twelve Years, without a Certificate from some Justice of the Peace of this Province, certifying, That such Servant or other Person was legally imported, and the Duty of *Five Pound*, paid, and Security given for the good Behaviour, as aforesaid, or a Permit obtained for the Landing and Selling such Servant or other Person according to the Directions of this Act, That such Servant or other Person shall and by this Act is declared to, be free from the Person or Persons purchasing him or her, any Contract or Agreement between the Person disposing of, and the Person purchasing such Servant or Servants, or other Person, in any wise notwithstanding.

*Charles Read ap-
pointed the Collector.*

And be it further Enacted by the Authority aforesaid, That all Persons obliged by this Act to make Entry, as aforesaid, shall apply to *Charles Read* of *Philadelphia*, Merchant, who is hereby appointed the present Collector of the said Duty hereby imposed, without any Notice or Request made by him for their so doing.

*Collector to demand
& recover Forfeitures.*

And the said Collector is hereby further impowered, to receive, collect, demand and recover, from all Persons importing, landing or bringing in any Servant or Servants, or other Persons, into any Port or Place within this Province, all Forfeitures and Penalties herein before appointed to be set, imposed and levied by Virtue of this Act.

And

And shall pay unto the Provincial Treasurer of this Province, all such Sums of Money as he shall receive, for the Use of the Government, by Virtue of this Act; and shall deduct out of the same, *Ten per Cent.* for receiving and paying.

And in Case of the Death or Removal of the said Collector the Provincial Treasurer for the Time being shall appoint another in his stead, to collect the Duties aforesaid.

This foregoing Act was published the 5th of May, 1722.

Chap. 238. *An ACT for laying a Duty on all Wine, Rum, Brandy and Spirits, Melasses, Cyder Hopps and Flax, imported, landed, or brought into this Province.* Expired.

Chap. 239. *An ACT for laying a Duty on Negroes, imported into this Province.* Expired.

Chap. 240. *An for laying an Excise or Duty on all Wine, Rum and other Spirits, retailed in this Province.* Expired.

Chap. 241. *An ACT [to prevent the Exportation of Flour not Merchantable.* Supplied.

CHAP. CCXLII.

An ACT for Encouraging the Making of Good Beer and for the Consumption of Grain in this Province.

WHEREAS it is found by Experience, That the Using of Melasses and other Materials hereafter mentioned, in Brewing Ale and Beer, doth very much hinder the Consumption of Malt; and so the Raising of Barley is thereby discouraged: Therefore may it please the Governour, that it may be Enacted,

And be it Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That if any

Brewers not to use
Melasses in Beer, &c.

Common Brewer or Retailer of Beer or Ale, shall after the first Day of *June* next, make Use of any Melasses, course Sugar or Composition or Extract of Sugar, Honey, Foreign-Grains, *Guinea-Pepper*, or any Liquor or Sirrup boil'd up to the Consistency of Melasses, or any unwholesome Materials or Ingredients whatsoever, in the Brewing, Making or Working of any Beer or Ale.

Nor take any Me-
lasse into his Brew-
House under 20 l.

Servants or others
aiding therein, to for-
feit 20 l. or suffer 3
Months Imprisonment.

Or if any Brewer shall receive or take into his Brew-House any Melasses, course Sugar, Honey or Composition or Extracts of Sugar, every such Brewer and Retailer shall forfeit and loose for every such Offence respectively, the Sum of *Twenty Pounds*: And every Servant of such Brewer, and every other Person who shall be aiding and assisting in the Using any Melasses, Sugar, Honey or any other of the said Materials or Ingredients, in the Brewing or Working of such Ale or Beer, or in Carrying or Conveying the same into the Brew-House belonging to such Brewer, shall also forfeit and loose for every such Offence the Sum of *Twenty Pounds*, and in Default of Payment thereof shall suffer Three Months Imprisonment.

No Person to keep
Ale houses, but such
as the Justices shall
judge fit.

And be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, after the said first Day of *June* next, shall be admitted or suffered to keep any common Ale-House, Inn or Tipling-House, but such as the Justices of the Peace of the respective Counties of this Province and City of *Philadelphia*, for the Time being, or the major Part of them, in the open Sessions of the Peace in the same Counties and City respectively, shall in their Discretion judge fit, as well by their Character of honest, civil and sober Behaviour, as the commodious Scituation and Conveniency of their Houses for such Purposes.

Nor be admitted be-
fore bound to the Go-
vernour in 20 l.

Against using of
Games, &c.

Nor sell Wine, &c.

Fees for Licenses.

But that none be so admitted or licensed before they be bound with one or more sufficient Sureties, by Recognizance to the Governour, for the Time being, in *Twenty Pounds* Penalty, with Condition as well against Using any unlawful Games, as for the Using and Maintaining of good Order and Rule to be had and kept within the same: And also that they will not directly nor indirectly sell or utter, in or about their Houses or elsewhere, any Wine, Brandy, Rum or other distilled Liquors, mix'd or unmix'd: And that the principal Party which shall be so bound, shall pay to the Clerk of the Court for all Fees to him relating to the said License *Five Shillings* and to the Justices *Four Shillings* for every such License or Allowance to keep such Inn or Ale-House, and no more.

And

And be it further Enacted by the Authority aforesaid, That the said Justices of Peace, within the said several Counties and City respectively, or a *Quorum* of them, shall have full Power within the Limits of their Authority, to remove, discharge and suppress common Selling of Ale, Beer and Wine in Taverns, Ale-Houses, Inns and Tipling-Houses, and to cause all Disorders in such Houses, to be punished by the Direction of this Act, and hear and determine the same by all such Ways and Means as by Law is usual in such Cases.

Justices have Power to suppress selling Ale or Beer, &c.

And cause Disorders to be punished.

And where the Keeper of any Inns or Ale-Houses brew their own Beer or Ale, a Clause shall be added to the Condition of the Recognizance, That they will not make Use of any Melasses, or other Materials or Ingredients hereby forbidden to be used in Brewing, Making or Working any of their Beer or Ale.

Inn-Keepers that brew, not to put Melasses in their Beer.

And that from and after the said First Day of *June* next, all common Brewers shall in the open Sessions of the Peace, within the City or County where they respectively follow their Trades, become bound to the Governour, for the Time being, with one or more sufficient Sureries, by Recognizance in *One Hundred Pounds* Penalty, with Condition, That they will well and faithfully observe and obey all that is required of them by this Act: For every of which Recognizances the Party shall pay *Two Shillings* and *Six Pence*, and no more.

All Brewers to be bound not to put Melasses in their Beer or Ale.

And that the said Justices shall cause all the said Recognizances, and also all other Recognizances to be given by the Direction of this Act, to be entred of Record in the respective Courts, where the same are so taken, as aforesaid, there safely to be kept and remain. And if the Justices or their Clerks fail therein, he or they so offending shall forfeit and pay for every Recognizance taken and not entred of Record, as this Act requires, the Sum of *Five Pounds*, any other Act or Law of this Province to the Contrary hereof in any wise notwithstanding.

Recognizances to be enter'd of Record.

Penalty for not entering them on Record

Provided always, That nothing herein contained shall debar or hinder the Justices of the said City and Counties, to recommend such as live in fit Places, and as they shall deem fit Persons to keep Taverns for selling Wines, Brandy, Rum and other Spirits, by Retail: But that all such Persons so recommended may be licensed to keep such Taverns, as heretofore hath been used, upon their paying the Fees formerly allowed for such Recommendations and Licenses, and becoming bound with one or more sufficient Sureties,

Justices to recommend Persons to be licensed to keep Taverns.

Who shall become Sureties, by Recognizance to the Governour, for the Time
bound to the Governour in 100 l. being, in *One Hundred Pounds*, with Condition as well against
Against Using of Using of unlawful Games, as for the Using and Maintaining of
Games, &c. good Order and Rule to be had and kept within the same.

Charles Read, the Officer to put this Act in Execution. *And recover the Forfeitures.*
And be it further Enacted by the Authority aforesaid, That *Charles Read*, of *Philadelphia*, Merchant, shall be and is hereby appointed the Officer to put this Act in Execution, and to sue for and recover the Penalties or Forfeitures, arising for not observing of this Act; which Forfeitures, when recovered, shall be equally divided between the Governour and the said Officer.

And as the true Design of this Act is (amongst other Things) to encourage the Raising of Wheat and Barley for the Brewing Trade; so it is expected, That all Brewers may take special Care to bring their Beer and Ale to the Goodness and Perfection which the same was formerly brought to; that so the Reputation which then was obtained (and is since lost) may be retrieved,

prices allowed for Beer & Ale according to the Goodness thereof.
Be it further Enacted by the Authority aforesaid, That the Justices of the Peace of the respective Counties, and the Mayor Recorder and Aldermen of the City of *Philadelphia*, when they set Prices upon Beer and Ale pursuant to a Law of this Province, shall allow higher Prices than common to be taken for such Beer and Ale, as by the Judgment of Persons skill'd therein shall exceed in Quality and Goodness, any Law or Ordinance to the Contrary notwithstanding.

But to prevent the ill Designs of Brewers, Retailers, Victuallers and Butchers who combine to advance the Prices of the Grain and Provisions they respectively buy beyond a due Proportion to the Rates they give,

Statutes of Great Britain to be put in Execution here against Combinations.
Be it further Enacted by the Authority aforesaid, That all the Laws and Statutes of that Part of *Great-Britain* called *England*, shall be put in Execution against all such Combinations and Evil Practices: So that such Offenders shall be brought to the like Punishments, and incur the same Penalties as those Laws and Statutes direct and appoint for Offenders in like Cases.

Chap. 243. *An Supplementary ACT to the Act for the more effectual Raising of County Rates and Levies.* Supplied,

Chap. 244. *An ACT for Establishing Courts of Judicature in this Province.* Supplied.

CHAP.

CHAP. CCXLV.

An ACT to prohibit the Selling of Rum, and other strong Liquors, to the Indians; and to prevent the Abuses that may happen thereby.

WHEREAS the peaceable, wise and prudent Measures which the late Honourable *William Penn*, Esq; Our most worthy Proprietor, took with the native *Indians*, at his first coming into and settling of this Province, has been under God, the happy Foundation and Ground-Work of the Tranquility and perfect good Understanding; hitherto preserved between the *English* Inhabitants of this Colony, and their native *Indians*.

And whereas the Misunderstandings and fatal Breaches, which have lately happened in some of the Neighbouring Colonies, between the *English* and the adjacent *Indian* Nations, are well known to have proceeded from the Irregularities and Abuses committed by those who travel into the Woods, in order to trade promiscuously with the *Indians* as they return from Hunting: Whereby they have Opportunity, first, to debauch the Natives with great Quantities of Rum and strong Spirits, and then cheat them of their Peltry. For the Prevention of which evil and wicked Practices for the Future.

Be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That no Person whatsoever, otherwise than is herein after declared shall sell, barter, or give to any Indian or Indians, or to any other Person for their Use; nor by any Means, directly or indirectly, furnish, or cause to be furnished, any Indian or Indians with any Rum, Wine, or other strong Liquors, mix'd or unmix'd, under the Penalty of Twenty Pounds for each Offence, One Half to the Governour for the Support of Government, and the other Half to the Informer, or such Person or Person as will sue for the same, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed to the Defendant.

No Rum &c. to be sold to the Indians under the Penalty of 20 l.

And be it further Enacted by the Authority aforesaid, That in Case any Rum, or other Spirits, above the Quantity of
One

No Rum to be carried beyond the Indian Inhabitants, above One Gallon.

One Gallon, be carried amongst the *Indians* at their Towns, or beyond the Christian Inhabitants, the Person carrying the same, or he in whose Possession the same shall be found, shall forfeit and pay the Sum of *Twenty Pounds*, to the Uses aforesaid, to be recovered in Manner aforesaid.

At Treaties, Rum may be given to the Indians.

Provided always, That the Governour and Council, or Persons, by them authorized and appointed, to hold Treaties with any Nation of *Indians*, may, at such Treaties, give any reasonable Quantity of Rum, as by them shall be thought necessary, any Thing herein contained to the Contrary notwithstanding.

None shall trade with the Indians but at their own Dwellings, without Licence.

And be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, after the First Day of *August* next, under the Penalty of *Twenty Pounds*, to be recovered in Manner and for the Uses aforesaid, shall Trade or Traffick with any *Indian* for any Commodity whatsoever but at their own Dwelling-Houses and Place of Residence with their Families, within some settled Township of this Province, without being first recommended to the Governour for his License by the Justices of the County Courts of Quarter-Sessions where he resides, or the next Quarter-Sessions within this Province to the Place of such Residence: And that no Person shall be so Licensed without first giving Bond in the said Quarter-Sessions with one or more substantial Free-holders of the same County, to be bound with them in the Sum of *One Hundred Pounds*, conditioned, That he will duly observe the Laws of this Province for Regulating the Trade with the *Indians*: Which Recommendations and Licenses shall be renew'd annually, in the Manner before directed; and shall further, by his Oath or Affirmation oblige himself, That he will not directly nor indirectly sell or dispose of any Rum, or other Spirits, mix'd or unmix'd, to any *Indian* whatsoever. For which License he shall pay the Sum of *Thirty Shillings*, and no more.

If the Convict have not Goods to satisfy the Fine, the Sum of 5 l. shall be paid to the Informer out of the publick Treasury.

And be it further Enacted by the Authority aforesaid, That if any Person convicted for any Offence committed against this Act, have not Goods and Chattles sufficient to pay the Fine or Forfeiture, in which he shall be condemned, the Justices or Judges before whom such Conviction is had, shall, at the Request of the Informer or Prosecutor, grant to him a Certificate of the Time and Place of such Conviction, and of such Person being the Informer or Prosecutor; which Certificate shall be directed to the Provincial Treasurer, upon Sight whereof the said Treasurer shall and is hereby required to pay to such Person, his Executors, Administrators or Assigns the Sum of *Five Pounds*. And the Person convicted, for want

of Estate to pay the Fine and Cost of his Prosecution, shall be committed to the Publick-Goal of the County, or House of Correction, there to continue at hard Labour for the Space of Six Months, without Bail or Mainprize.

Provided always, That nothing herein contained shall be deem'd or taken, to prevent any Inhabitant of this Province from giving unto any *Indian* at his Dwelling-House, or Habitation, any Quantity of Rum or other Spirits, not exceeding *One Sixteenth Part* of a Quart at one Time, and that not oftener than once in Twelve Hours.

Not more than
One Sixteenth of a
Quart in 12 Hours
may be given to the
Indians.

And because the good Intent of this Act shall not be frustrated by the secret and clandestine Practices of Persons for the Sake of private Advantage, *Be it further Enacted by the Authority aforesaid*, That from and after the First Day of *August* next, it shall and may be lawful for the Mayor or Recorder of the City of *Philadelphia*, or any two Justices of the Peace of this Province, as often as they shall think fit, to send for any Person or Persons whatsoever, whom they shall suspect to offend against this Act, and severely to Reprimand such Person or Persons for having given any Cause by their Conduct or Behaviour with and towards any *Indians* for such Suspicion: But if the said Mayor or Recorder, or any Two Justices of the Peace, shall again suspect the same Parties a second Time for having offended against the Intent or Tenor of this Act, then it shall and may be lawful for the said Mayor and Recorder, or any Two Justices of the Peace to administer to such Person or Persons, so suspected, an Oath or Affirmation, That he hath not directly nor indirectly, by himself, nor any other for him, after the said First Day of *August*, given, sold, or otherwise disposed of any Rum, Spirits, Wine, or other strong Liquors, mix'd or unmix'd, to any *Indian* or *Indians*, or to any other Person or Persons whatsoever, for them or any of them, contrary to the true Intent and Meaning of this Act: And every such Person or Persons so suspected, as aforesaid, not appearing upon Summons duly served, or appearing and refusing to take the aforesaid Oath or Affirmation, shall Forfeit the Sum of *Thirty Nine Shillings*, or undergo Imprisonment for the Space of *Three Months*; the Forfeiture to be divided and disposed of in Manner aforesaid.

The Magistrate
may send for a Person
to examine suspicious Per-
sons.

And reprimand
them.

Upon a second sus-
picion may administer
to him an Oath or
Affirmation.

Penalty for not
appearing upon Sum-
mons or refusing to
swear or assent.

Provided always, That no Forfeiture or Imprisonment shall be levied or inflicted upon any Person whatsoever in this Behalf, for not appearing upon Summons duly made, until an Oath or Affirmation be made of the due Service of the said Summons upon the suspected Person or Persons, before the Mayor, Recorder, or Justices aforesaid, who are hereby im-

No forfeiture to
be levied till the
serving of the Sum-
mons be proven or at-
tested.

powered, to administer such Oath or Affirmation, to the Constable or Officer who hath served the same; any Thing before to the Contrary thereof in any wise notwithstanding.

A Conviction of this Law shall be pleaded in Bar to any Suit or Action, for Breach of any other Law of the same Kind.

Provided also, That any Person or Persons being convicted for any Matter or Thing done or committed against this Act, such Conviction may be pleaded in Bar to any other Suit or Prosecution, to be brought or prosecuted for Breach of any other Law of this Province made and provided against the same Offences.

Chap. 246. *An ACT for Encouraging the Raising of Hemp within this Province, Supplied.*

CHAP. CCXLVII.

An ACT for settling a Ferry at Solebury, in Bucks-County, over Delaware to New-Jersey.

WHEREAS it is necessary and convenient, That a Ferry be erected and settled at Solebury in the County of Bucks, over Delaware-River to New-Jersey; Be it therefore Enacted, by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General-Assembly met, and by the Authority of the same, That there shall be erected and kept a Ferry at the Landing Place of John Wells in Solebury aforesaid; which said Ferry shall be kept at the Place aforesaid, by the said John Wells, his Executors, Administrators, or Assigns, who shall and are hereby required at all Times, during the Continuance of this Act, to maintain and keep the said Ferry, with a good and sufficient Boat or Flat, and able and sufficient Hands to attend the same, as shall be needful for the Carriage of all Persons, Cattle, Horses and Goods over the said River to New-Jersey.

Ferry to be kept by John Wells, his Executors, &c.

And for the Encouragement of the said John Wells to support and maintain the said Ferry, he the said John Wells, his Executors, Administrators and Assigns, shall, from and after such sufficient Boat or Flat is provided, as aforesaid, which he is hereby required forthwith to provide and get ready, receive and take for and during the Term of Seven Years, after the Publication of this Act, for the Ferriage or Carriage over
the

the said River *Delaware* to the said Province of *West-Jersey*, from all Persons whatsoever (the Governour in Chief, and the Lieutenant Governour and their Attendants excepted) the respective Rates following: That is to say,

For every single Foot Passenger, *Three-Pence*; but if a greater Number together, *Two-Pence* each. *Rates for Ferrage*

For every single Horse and Rider, *Seven Pence Half-penny*; but if a greater Number together, *Six Pence* each.

For every single Ox, Cow or Heifer, *Nine Pence*; But if a greater Number together, *Seven Pence Half-penny* each.

For every every single Sheep, *Two Pence*; but if a greater Number together, *One Penny* each.

For every single Hog, *Four-Pence*; but if a greater Number together, *Three Pence* each.

For every loaded Waggon or Cart, *One Shilling and Six-Pence*; but if empty, *One Shilling*.

For every Sled, *Six Pence*; and no more.

And be it further Enacted by the Authority aforesaid, That for and during the said Term of Seven Years, no other Person or Persons whatsoever (Thomas Canby, his Heirs, Executors, Administrators and Assigns, for the Use of themselves and the Mill excepted) shall presume to erect or keep any Boat, Flat, or Canoe, within the Space of Two Miles above or below the said Ferry, for carrying of any Passengers, Horses, Cattle, Hogs or Sheep, for any Hire, Wages or Reward whatsoever, over the said River Delaware, from this Province, to the Western-Division of New-Jersey, under the Penalty of the Forfeiture of Five Pounds for every such Offence; One Moiety to the Governour for Support of this Government, and the other Moiety to the said John Wells, or his Assigns, who may sue for the same; by Bill, Plaint, or Information in any Court of Record in this Province, wherein no Effoyne, Protection or Wager of Law, or more than one Imparllance shall be allowed

No Person to keep any Boat or Canoe in Two Miles above or below.

Provided nevertheless, That if the said John Wells, his Executors, Administrators or Assigns, shall Neglect forthwith to provide and get ready a good sufficient Boat or Flat for the said Ferry; or shall not from Time to Time give due and constant Attendance on the Service of the said Ferry; or shall

*Penalty for Ex-
action or Neglect.*

not maintain and keep such Flat or Boat in good Order and Repair, with able Hands for managing them; or if he or they shall demand, exact or take any greater or other Rates than is herein before limited and appointed, he or they so offending in the Premises, or any of them, shall forfeit and pay for the first Offence the Sum of *Five Pounds*, one Moiety to the Governour, for the Support of Government, and the other Moiety to the Party grieved, or other Person who shall sue for the same, to be recovered, as aforesaid; and for the second Offence the Sum of *Ten Pounds*, to be recovered as aforesaid; and for the third Offence to be removed or displaced by the County-Court, or other Court of Record, where he shall be convicted of any of the said Offences mentioned in this Act; and in such Case, the Justices of the said County-Court, or other Court of Record where he shall be convicted, as aforesaid, shall appoint another Person to keep the said Ferry, under the same Restrictions and Limitations as herein is prescribed and directed.

This foregoing Act was published the 22d. of May, 1722.

CHAP. CCXLVIII.

An ACT to Erect and Establish a Ferry on the Land of Thomas Yardley of Make- field Township in Bucks County.

WHEREAS it is necessary, That a Ferry be Erected and Established in *Makefield*, upon the Land of *Thomas Yardley*, over *Delaware-River*, for the better Accommodation of Passengers travelling in this Province,

*Ferry to be kept
by Thomas Yard-
ley.*

Be it therefore Enacted, by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That there shall be erected and kept a Ferry, at the Landing-Place of the aforesaid Thomas Yardley, which said Ferry shall be kept by the said Thomas Yardley, his Executors, Administrators and Assigns, at the Place aforesaid: Who shall and are hereby required, at all convenient Times, to maintain and keep the said Ferry with such good sufficient Boat, and Hands to attend the same, as shall, from Time to Time, be needful for the Carriage of all Persons, Cattle, Horses and Goods which, at the Place aforesaid, are to be carried
over

over the said River. And also, that the said *Thomas Tardley*, and his Successors shall, at all Times hereafter (during the Time limited by this Act) by him, or themselves or Servants, give constant and due Attendance on the said Ferry.

And the said *Thomas Tardley*, and his Successors, shall have and receive for the Ferriage over, at the Place aforesaid, of all Persons (the Proprietary and his Lieutenant-Governour, and their Attendance, excepted) the Rates and Prices following: That is to say,

For every single Horse and Rider, *Seven Pence Half-penny*, Rates for Fer-
and when a greater Number shall be carried together *Six* page.
Pence each.

For every single Person on Foot, *Three Pence*; and when a greater Number together, *Two Pence* each.

For every single Ox, Cow or Heifer, *Nine Pence*; and when a greater Number shall be carried together, *Seven Pence Half-penny* for each.

For every single Sheep, *Two Pence*; but when a greater Number, *One Penny* each.

For every single Hog, *Four Pence*; and when a greater Number together, *Three Pence* each.

And for every loaded Waggon, *One Shilling and Six Pence*, and no more; and for every empty Waggon *One Shilling*, and no more.

And for every Sled, *Six Pence*, and no more.

And if the said *Thomas Tardley*, his Executors, Administrators or Assigns, shall not maintain and keep such a sufficient Beat, as aforesaid, with sufficient and able Hands; or shall not give constant and due Attendance on the Service of the said Ferry; or shall demand any greater, or other Fees, for the Carriage of any Passenger, Cattle, Horses, Hogs or Sheep, than is herein before hinted and appointed; then, and in every such Case, he shall forfeit and pay the Sum of *Five Pounds* lawful Money of this Province, for every such Offence; One Moiety to the Governour for Support of Government, and the other Moiety to the Party grieved, who shall sue for the same, by Bill, Plaint or Information in any Court of Record in this Province, wherein no Essoyn, Protection or Wager of Law shall be allowed. Penalty for Neg-
lect.

And be it further Enacted by the Authority aforesaid, That he the said *Thomas Tardley*, his Executors, Administrators and Assigns, shall and may hold and enjoy the said Ferry, for and during the Term of Fourteen Years, from the Pub-

*Ferry confirmed
for Fourteen Years.*

Publication of this Act, if he or they shall to long behave themselves well therein; and that no other Person or Person shall hereafter for and during the said Term of Fourteen Years, presume to carry any Passengers, Horses, Cattle, Sheep or Hogs, for any Wages, Hire or Reward whatsoever, over the said River-*Delaware*, from this Province, to *New-Jersey*, within the Space Two Miles either above or below the abovesaid Ferry, under the Penalty of *Ten Pounds* Forfeiture for every such Offence; one Moiety thereof to the Governour for the Support of Government, and the other Moiety to such as shall, from and Time to Time, be appointed to keep the said Ferry, as aforesaid.

If the said Yard-lev shall refuse or neglect, others to be appointed.

And be it further Enacted by the Authority aforesaid, That in Case the said Thomas Yardley, shall refuse to provide a Boat, and keep the said Ferry as by this Act is directed and allowed, then it shall and may be lawful for the Proprietary, his Heirs and Assigns, or his or their Commissioners of Property, for the Time being, to appoint any other Person for that Purpose, under the same Restrictions and Limitations herein before express'd: And such Person so appointed, shall or may be accommodated at the Place aforesaid, with a suitable House, or so much convenient Land to erect one on, not exceeding one Acre, at such Rates as the County-Court and Grand-Jury shall adjudge reasonable, to be paid by the Undertaker thereof to the Owner: Which Land so assigned, as aforesaid, with the Improvements shall be deemed and held as the Estate of the Improver or Occupier thereof, his Heirs and Assigns, and shall be liable only to be alienated by the County-Court and Grand-Jury, on such reasonable Allowances as they shall think fit, as aforesaid, to any other Person, for the same Uses as is above expressed; any Law, Usage or Custom to the Contrary hereof in any wise notwithstanding.

The foregoing Act was published the 22d. of May, 1722.

CHAP. CCXLIX.

An ACT for Regulating the Gauging of Cask in this Province.

WHEREAS great Abuses are daily committed in the Trade of this Province, by importing Wine, Rum and other Liquid Merchandizes, in disproportionate Cask, which have been usually gauged by the *Diagonal*; which is known not to be an exact Rule to find the

the Contents of a disproportionable Cask: And the Persons selling such Commodities commonly refusing to submit to any other Method or Rule of Gauging, the Purchaser is thereby imposed upon, and often suffers great Loss, in Want of just Measure. For the Redress of which Abuse for the Future within this Province,

Be it Enacted by Sir William Keith, Part. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That if any Merchant or other Person whatsoever, shall utter, sell or put to Sale, any Butt, Tun, Pipe, Hogshed, Barrel, Rundlet or other Cask of Rum Wine, Melasses or other Liquid Merchandize, imported into any Port or Place within this Province, before the Gaugers hereafter mentioned, or their Deputies, shall have first plainly and truly set down, or mark'd, upon the Head of such Vessel, the Capacity and full Contents of the same, according to the Standard and Excise of Wine Measure by the Gallon, such Person or Persons shall forfeit, for the Uses directed in this Act, the Sum of Ten Pounds, for every Cask so utter'd, sold or put to Sale.

No Persons to sell Liquors not re gauged by the Gaugers.

under Penalty of 10 l. per Cask.

And further, If any Merchant, or other Person shall utter, sell or put to Sale, any Rum, Wine, Melasses or other Liquid Merchandizes, as aforesaid, within any Port or Place of this Province, in any Cask or Vessel having the Number of Gallons set down and marked on the Head of such Vessel, and the same shall be found to lack of the Contents marked on the said Vessel, such Person shall forfeit and pay to the Uses directed in this Act, the Sum of Ten Shillings, for every Gallon marked or numbred on the said Cask more than it will truly contain.

What the Forfeiture is for Goods gaug'd sold and found wanting.

And to the End that all Persons dealing in such Merchandize may the more easily and readily be informed and assisted in discovering the true Quantity of such liquid Merchandize so imported, as aforesaid,

Be it further Enacted by the Authority aforesaid, That Nathaniel Griffiths and Benjamin Morgan of Philadelphia, shall be and are hereby appointed Gaugers of all the Wine, Rum, Melasses, and other Liquid Merchandize imported into this Province for Sale. Which said Gaugers (before they enter upon their Office, shall take an Oath or Affirmation, well and truly to execute the Office of Gaugers within this Province, between Buyer and Seller) are hereby empowered, by themselves or their proper Deputies or Assistants, to gauge all

Gaugers Names, And how qualified.

all Rum, Wine, Melasses or other Liquid Merchandize, imported in any Butt, Tun, Pipe, Hogthead, Barrel, Rundlet or other Cask, into any Port or Place of this Province, when they the said Gaugers, or either of them, shall be thereunto required,

*Gaugers to mark
the cask with the
Contents.*

And that they shall mark and set down the true Number of Gallons, according to the *English* Standard and Excise of Wine-Measure, which each Cask or Vessel will truly contain, with their own Mark: All which Casks, with their true Marks and Numbers, and Owners Names, shall be entered in a Book or Books, to be kept for that Purpose by the said Gaugers, or their proper Deputies, to which Recourse may be had as Occasion may require: For a Copy of which Entry they shall receive *Four Pence*; and for each Cask so by them gauged and marked, they shall receive the Sum of *Four Pence*, and no more.

*And enter it in a
Book.*

*Fee for a Copy and
for Gauging.*

*Penalty for false
Gauging.*

And if any Cask, or other Vessel, gauged and marked by the said Gaugers, or their lawful Deputies, shall be found lacking, One or more Gallons, of the Quantity numbred or marked on the said Cask or Vessel, the aforesaid Gaugers shall forfeit *Ten Shillings*, for each Gallon lacking or exceeding the Number or Mark so set down on each Cask.

*How the Fees shall
be appropriated and
recovered.*

And be it further Enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures in and by this Act set and appointed, shall be one Half to the Governour, for the Support of Government, and the other Half to the Informer or him or them that will sue for the same; if under Forty Shillings, to be recovered as Debts under Forty Shillings, are usually recovered; and if above Forty Shillings, to be sued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoyn, Protection or Wager of Law shall be allowed for the Defendant.

The foregoing Act was published the 22d. of May, 1722.

AT a General - Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lord *George*, King of *Great-Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Twenty Two, and continued by Adjournments till the Eleventh Day of *May*, following, On which Day the following Acts were passed by *William Keith*, Bart. Lieutenant Governour of the said Province of *Pennsylvania*, &c. That is to say.

CHAP. CCL.

An ACT for emitting and making Current Fifteen Thousand Pounds in Bills of Credit.

FORASMUCH as through the Extream Scarcity of Money the Trade of this Province is greatly lessened and obstructed, and the Payment of the Publick Debts of this Government rendred exceeding difficult, and likely so to continue, unless some Medium in Commerce be by Law made Current instead of Money: For Remedy whereof may it please the Governour that it be Enacted,

IntroduSitor.

And be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit to the Value of Fifteen Thousand Pounds, Current Money of America, according to an Act of Parliament, made in the Sixth Year of the late Queen Anne, for Ascertaining the Rates of Foreign Coins in the Plantations, shall be Printed within Two Months, next after the End of this present Session of Assembly, as followeth; To wit, Six Thou-

and Bills of *Twenty Shillings* Value each, Four Thousand Bills of *Fifteen Shillings* Value each, Six Thousand Bills of *Ten Shillings* Value each, Six Thousand Bills of *Five Shillings* Value each, Four Thousand Bills of *Two Shillings* and *Six Pence* Value each, Six Thousand Bills of *Two Shillings* Value each, Eight Thousand Bills of *One Shilling* Value each: Upon which Bills shall be impressed upon the Left-Side of the said Bills, about the Middle of the Side, the Arms of *Pennsylvania*. And the said Bills shall be in the Form following:

The Form of the
Bills.



THIS indented Bill of - - - - - current Money of *America*, according to the Act of Parliament made in the sixth Year of the late Queen *ANNE*, for *Ascertaining the Rates of Foreign-Coins in the Plantations*, due from the Province of *Pennsylvania*, to the Possessor thereof, shall be in Value equal to Money, and shall be accepted accordingly by the Provincial-Treasurer, County-Treasurers and the Trustees for the General Loan-Office of the Province of *Pennsylvania*, in all publick Payments, and for any Fond at any Time in any of the said Treasuries and Loan-Office. Dated in *Philadelphia*, the - - - - - Day of - - - - - in the Year of our Lord One Thousand Seven Hundred and Twenty Three, by Order of the Governour and General Assembly.

Signers Names;

Which Bills shall be signed and numbred by *Charles Read*, *Francis Rawle*, *Benjamin Vining* and *Anthony Morris*, or the major Part of them. And the Sum of Money that each Bill shall be Current for, shall be printed on the Top of each Bill.

Signers to take an
Oath or Affirmation.

And be it further Enacted by the Authority aforesaid, That the said Persons appointed for signing the said Bills of Credit, shall take an Oath or Affirmation before any One Justice of the Peace of this Province, for the true Signing and Delivering of all the said Bills of Credit, and no more than the Number mentioned in this Act, to the several Officers and Persons herein after mentioned and appointed to receive the same, according to the true Intent and Meaning of this Act: *Fifteen Thousand Pounds* of which Bills of Credit, being signed and numbred, as aforesaid, shall be put into the Hands of *Samuel Carpenter*, *Jeremiah Langhorne*,
William

William Fishbourn and *Nathaniel Newlin*, of this Province, of *Pennsylvania*, Gentlemen; who are hereby Constituted Trustees of the General Loan-Office of the Province of *Pennsylvania*; who shall give their Receipt for such Bills as shall be by them received.

Trustees Names.

And the said *Charles Read*, *Francis Rawle*, *Benjamin Vining* and *Anthony Morris*, appointed by this Act, to sign the aforesaid Bills of Credit, shall for such their Service, have paid unto each of them, or each of their Executors or Assigns, by the Trustees aforesaid, in Bills of Credit, the Sum of *Twenty Pounds*, as a Reward for their Trouble in signing and numbring the Bills aforesaid. And the aforesaid Trustees shall have allowed unto each of them the Sum of *Fifty Pounds per Annum*, for their Service and Trouble in the Execution of their Trust. Which Trustees, before they receive the said Bills or enter upon the Execution of their Trust, shall give *Five Hundred Pounds* Security each, to the Provincial-Treasurer, for the Time being, for the true Performance of their said Office, and take the following Oath or Affirmation, before any One Justice of the Peace of the Province of *Pennsylvania*.

Signers Reward.

Trustees Salary.

I A. B. will according to the best of my Skill and Knowledge, faithfully, impartially and truly demean my self in Discharge of the Trust committed to me by an Act of General Assembly of this Province, Entitled, An Act for the Emitting and Making Current *Fifteen Thousand Pounds*, in Bills of Credit, according to the Purport and Tenor of the said Act, so as the Publick may not be prejudiced, by my Consent, Privy or Procurement.

Trustees Oath of Affirmation.

And for the better securing and supporting the Credit of the said Bills, Be it Enacted by the Authority aforesaid, That the said Trustees, before they take or accept of any Lands, Houses or Ground-Rents in Mortgage for any of the said Bills, they shall inform themselves of the Real-Value of the said Lands, Houses and Rents; and also of the Title of the same, so as to be satisfied that the Person offering the same to Mortgage, have a good, indefeazible Estate in Fee Simple, in the Lands, Houses and Rents offered to Mortgage, and that the same be free from all Incumbrance whatsoever. And the said Trustees, or any Three of them, being satisfied, as well of the Value as of the Title of the said Lands, Houses and Rents, and being qualified as by this Act is directed, have full Power and Authority, and hereby are authorized and empowered, to let out the Value of *Eleven Thousand Pounds* of the said

Trustees to inform themselves of the Mortgagers Estate in Fee-simple.

23000l. let out
at 5 per Cent.

Bills, upon Loan, at the Interest of *Five per Cent. per Annum*, for the Term of Eight Years, from the Date of the said Bills, in Sums not exceeding *One Hundred Pounds*, and not under *Twelve Pounds Ten Shillings* to any one Person; the said Trustees taking a Security by Way of Mortgage in at least double the Value of Lands and Ground-Rents, lying in this Province, and in (at least) three Times the Value of Houses within the Province aforesaid: Which Mortgage, when executed in the Presence of Two lawful Witnesses, and acknowledged before any Justice of Peace of this Province, shall be enrolled in a Book (to be kept for that Purpose by the said Trustees) at the Costs and Charges of the Mortgager: An attested Copy of which Deed so enrolled and certified under the Hands of the said Trustees, or any Three of them, shall, and is hereby declared to be Matter of Record and shall be good Evidence to prove the Sale or Mortgage thereby made.

Mortgages to be
enroll'd.

Where the General
Loan-Office is to be

*And be it further Enacted by the Authority aforesaid, That there shall be One publick Office kept in the City of Philadelphia, which shall be called, The General Loan-Office of Pennsylvania, where the said Trustees, or any Three of them, shall duly attend every Third and Fourth Day, commonly called Tuesday and Wednesday, in each Week, for the first Six Months, and afterwards the Attendance to be according to the Discretion of the said Trustees, for the due Execution of the Trust reposed in them by this Act; and for the Ease of the Inhabitants of the Counties of Bucks and Chester, who may have Occasion to take upon Loan any of the said Bills of Credit, the aforesaid Trustees, or any Three of them, shall attend, as Occasion may require, at the respective Towns of Bristol and Chester, for executing the Trust aforesaid, and shall give at least Fourteen Days publick Notice at the respective Towns aforesaid, of the Time and Place of their Meeting, for the Purposes aforesaid. And the said Trustees, or some of them, shall at their own proper Costs and Charges, provide good large Books of Royal or other large Paper and well cover'd, wherein shall be recorded and enrolled all the Deeds of Mortgages to be taken for Bills of Credit to be let out upon Loan, according to the Directions of this Act, in a fair legible Hand for which there shall be paid by the Mortgager, his Heirs Executors or Administrators to the Person or Persons attending the said Office, in any of the Counties aforesaid, for recording or enrolling every Deed or Writing *Five Shillings*, and for every Mortgage Deed, if drawn by the Clerk, *Twelve Shillings*, and no more.*

And

And for the more Ease and Conveniency of the Trustees appointed by this Act, they are hereby allowed and enabled to choose a fit Person to serve them in the Office of a Clerk, during the Continuance of their Trust. Which said Sums of Money so taken upon Loan, shall be paid in again, with the Annual Interest, in the said Bills of Credit, or Current Money of *America*, to the said Trustees of the General Loan-Office aforesaid in Manner following; that is to say, One Eighth Part of the Sum borrowed with the whole Interest of *Five per Cent. per Annum*, shall be annually paid by the Mortgager, his Heirs, Executors or Administrators, to the said Trustees, who shall endorse the Sum received, both Principal and Interest, upon the Back of the Mortgage Deed, and for each Indorsement made in Manner aforesaid, they shall be paid by the Mortgager the Sum of *One Shilling*, and no more: And at the last Payment of the said Money and Interest, the said Mortgage shall be released and delivered up by the said Trustees: From which Time the said Lands, Houses and Ground-Rents, so mortgaged or engaged shall be forever clearly acquitted and discharged. And the said Trustees shall make an Entry in the Margin of the Enrolment, of the said Mortgage of the Day and Year of such Discharge and Release, for which they shall be paid by the Mortgager the Sum of *One Shilling*, and no more.

Trustees to choose a Clerk.

The Manner of Payment of Principal and Interest.

And whereas the aforesaid Bills of Credit are chiefly intended for the Benefit of the Poor, industrious Sort of the People of this Province at an easy Interest to relieve them from the present Difficulties they labour under; which End cannot be so well performed, if any one Person should be allowed to take up too great a Sum of the said Bills of Credit upon Loan, therefore to prevent the splitting of any one Man's Lands into sundry Parcels by alienating the same to divers Persons in Trust, thereby to get great Quantities of the said Bills for the Use of one Man, and to prevent committing of Frauds and Abuses in Mortgaging any Lands, Houses or Ground-Rents, being under any former Mortgage or Incumbrance, which would in a great Measure frustrate the good End for which this Act is intended,

Be it therefore Enacted by the Authority aforesaid, That the Person offering any Lands, Houses or Gound-Rents to Mortgage for any of the said Bills, shall at the Time of Executing the Deed of Mortgage, declare upon his or her Oath or solemn Affirmation, which the said Trustees, or any one or more of them, are hereby enabled to administer, That

he

*Estates to be free
of all Incumbrances
to the Mortgager's
Knowledge.*

he or she is *bonâ Fide* seized of the said Lands, Houses or Ground-Rents, in his or her own Right, and to his or her own Use, and that the same were not alienated to him or her in Trust for the Use of any other Person, nor with Intent to raise any Sum or Sums of Money upon the same by Way of Loan, or otherwise, for the Use of any other Person or Persons whatsoever; and that the Lands, Houses and Ground-Rents, mentioned in the Mortgage Deed by him or her to be executed, are free and clear from any other or former Gift, Grant, Sale, Mortgage or other Incumbrance to his or her Knowledge. Which Oath or Affirmation the said Trustees administering the same shall indorse upon the Back of the Deed of Mortgage, together with the Day Year of the Caption thereof.

*In 4 Months Time
200l. may be let out
on Loan to one Per-
son.*

Provided always, That if any Part of the Sum of *Eleven Thousand Pounds* be remaining in the Office at the End of Four Months, next ensuing the Date of the said Bills, and not taken out upon Loan, it shall and may be lawful to and for the aforesaid Trustees to lend out to any Person or Persons, upon the like Security as before is directed in this Act, and under the same Rules and Restrictions, any Sum or Sums of the said Money, so as the whole Sum advanced or lent to one Person exceed not the Sum of *Two Hundred Pounds* in the whole.

*Bills to be current
for 8 Years, and pay
all Debts whatsoever.*

And be it further Enacted by the Authority aforesaid, That the aforesaid Bills of Credit to be made and issued by Virtue of this Act, shall be and continue Current for and during the Space and Time of Eight Years, from the Date of the said Bills, and no longer, and shall be received and paid for the same Value, and equal to the current Coin passing in this Province, for Goods or any other Thing bought and sold by all Persons whatsoever, residing in and passing through this Province, according to their Rates, and the Tender of the said Bills of Payment for discharging of any Debt or Debts, Bargain, Sale of Lands or other Things, Bonds, Mortgages, Specialties and Contracts whatsoever, already made, or hereafter to be made, either for *Sterling-Money*, *Silver-Money of America*, Dollars or any other Species of Gold or Silver, or any Quantity of Plate or Gold, shall be as effectual in the Law, to all Intents and Purposes, as if the current Silver Coin of this Province had been offer'd and tender'd for the Discharge of the same, or any Part thereof.

And to prevent the Damage that may happen to any Person or Persons, who at the Expiration of the said Eight Years may have any of the said Bills remaining in their Hands,
Be

Be it further Enacted by the Authority aforesaid, That the
aforesaid Trustees and the Survivors and Survivor of them, shall
be and hereby are obliged to receive the said Bills of Credit,
Four Months after the Expiration of the said Eight Years,
of any Person tend'ring the same, and thereupon shall either
pay unto the Owner of the said Bills the Sum or Sums
of Money for which they are by this Act made Current, or
otherwise oblige themselves to pay the same unto the Owner
or Owners of the said Bills within Three Months after the
Bills are deliver'd to them, with the Interest of *Five per*
Cent. per Annum, till the same be paid.

*Trustees to receive
the said Bills of Crea-
dit 4 Months after
the Expiration of 8
Years.*

And be it further Enacted by the Authority aforesaid, That
if any Person or Persons, Creditor or Creditors, Obligee
or Obligees, and Party or Parties to any Contract, Cove-
nant, Bargain or Agreement whatsoever, already made or here-
after to be made, at any Time during the said Eight Years,
shall, upon Tender of all or any of their Debts, Dues and
Demands whatsoever, in the Bills of Credit made Current by
this Act, refuse to except or receive the said Bills of Credi-
t in Discharge of the said Debts, Dues or Demands,
according to their Values and Rates, he, she or they so
refusing to accept the said Bills of Credit in Discharge, as
aforesaid, shall loose the said Debt or Debts, Sum or Sums
of Money so refused; and they and every of them, their
and every of their Heirs, Executors and Administrators shall
forever be barred from bringing his or her, or their Actions,
for the Recovery of the said Debt or Debts, Sum or Sums
of Money so refused, as aforesaid, and the Defendant may
plead this Act in Bar to any Action or Actions that shall
be so commenced.

*Persons refusing
the said Bills shall
lose the Debt.*

And be it further Enacted by the Authority aforesaid, That
if any Person or Persons whatsoever within this Province,
shall, during the said Eight Years, offer to sell or expose
to Sale, any Goods or Chattles, Lands or Tenements what-
soever, and deny or refuse to sell, or ask a greater Value
for the same, unless Payment be made in current Silver-Mo-
ney, Gold, Plate, Dollars or other Specie whatsoever, and
not in the said Bills of Credit, (whereby the Credit of the
said Bills may be impaired) then and in such Case, the
Person so exposing to Sale and refusing, as aforesaid, shall,
if the Goods or Chattles exposed to Sale be under the Va-
lue of *Five Pounds*, forfeit the Sum of *Thirty Shillings* for
each Offence, to be recovered before any Justice of the
Peace within this Province, upon the Oath or Affirmation
of any two Witnesses: And if the Value of the Goods or
Chattles, Lands or Tenements, be above *Five Pounds* and
under

*Penalties on Per-
sons offering Goods
cheaper for Silver or
Gold than the said
Bills.*

under *Fifty Pounds*, the Expoſer to Sale ſhall forfeit the Sum of *Five Pounds*: And if the Goods or Chattles, Lands or Tenements, be above the Value of *Fifty Pounds*, and under *One Hundred Pounds*, the Expoſer to Sale ſhall forfeit the Sum of *Ten Pounds*: And if the Value of the Goods and Chattles, Lands or Tenements, be above *One Hundred Pounds* Value, the Expoſer to Sale ſhall forfeit *Fifty Pounds*, to be recovered by Action of Debt in any Court of Record within this Province, with Coſts of Suit; the firſt Two Forfeitures to the Uſe of any Perſon that ſhall ſue for the ſame, the other Two Forfeitures, the one Half to the Uſe of ſuch Perſons as ſhall ſue for and proſecute the ſame with Effect, the other Half to the Governour, to be applied towards the Support of the Government of this Province, any Law, Cuſtom or Uſage to the Contrary in any wiſe notwithſtanding.

Penalties on Perſons Counterfeiting the Bills of Credit.

*And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall preſume to counterfeit, or be aiding or aſſiſting in counterfeiting any of the ſaid Bills of Credit, or utter or cauſe to be uttered, any Bill or Bills (knowing the ſame to be ſame to be falſe and counterfeit) of the Tenor, or in Imitation of any of the ſaid Bills of Credit, made Current by this Act, and be thereof legally convicted, he, ſhe or they ſo offending, ſhall be ſet upon the Pillory in ſome open publick Place, and there have both his or her Ears cut off, and be publickly whip'd on his or her bare Back with Thirty one Laſhes, well laid on; and moreover ſhall forfeit the Sum of *One Hundred Pounds*, current Money of *America*, to be levied of the Lands and Tenements, Goods and Chattles of ſuch Offenders, and ſhall pay to the Party grieved double the Value of the Damage ſuſtained by the ſaid Counterfeit-Bills, together with the Coſts and Charges of Proſecution, and in Caſe the Perſon or Perſons ſo convicted, have not ſufficient to ſatisfy the Party for his or her Damages and Charges, and to pay the Forfeiture aforeſaid, then and in ſuch Caſe the Offender or Offenders ſhall, by the Order of the Court before whom ſuch Offender was convicted, be ſold for any Term not exceeding Seven Years for Satisfaction of the ſame.*

And whereas the true and regular ſinking of the ſaid Bills of Credit, will very much conduce to the keeping up the Value of the ſame,

Be it further Enacted by the Authority aforeſaid, That a Committee of the Aſſembly of this Province, ſhall, once every Year

Year, or oftner, as the Assembly shall think fit, be appointed to audit the Accounts of the Sums of Money in Bills of Credit, let out upon Loan to the Inhabitants of this Province, according to the Directions of this Act: And also the Sums of Money and Bills of Credit received by the said Trustees, from the respective Mortgagers, their Heirs, Executors and Administrators; and shall within one Week next after the said Accounts are audited, affix Advertisements in the most publick Places of the City of *Philadelphia*, setting forth what Quantity of Money has been received, and is in the Hands of the Trustees aforesaid, over and above what will pay the Interest due to the Publick for the Loan of the said Bills of Credit, let out upon Mortgage by Virtue of this Act. Which Money shall, by the said Trustees, be given in Exchange for Bills of Credit, made current by this Act, to any Person or Persons bringing in the same. And the said Bills of Credit received as Part of the Principal Sum lent out of the said Office in Manner aforesaid, and remaining in the Hands of the Trustees, shall within Ten Days after such Audit, be sunk and destroyed in the Presence of the Committee who shall be appointed Auditors, they having first compared the said Bills of Credit with their Counterparts, and entered into a Book to be kept for that Purpose, the Number and Value of each Bill of Credit so sunk and destroyed.

Committee of Assembly to Audit the Accounts of the Trustees and certify, it by publick Advertisement.

And be it further Enacted by the Authority aforesaid, That the Annual Interest received for the Loan of the said Bills of Credit, which shall be remaining in Money in the Hands of the said Trustees, after the Accounts audited, as aforesaid, and after Salaries and Charges, allowed by this Act, are deducted, shall be disposed of in such Manner as the Assembly of this Province shall, from Time to Time, think fit to order and direct.

Annual Interest, after Charges deducted, to be disposed of by the Assembly.

And whereas the Fonds provided for the Support of this Government, have proved Deficient for these Two Years last past, and sundry Debts, claimed as Debts due from this Province, remain yet unpaid, therefore in order to discharge the said Debts,

Be it Enacted by the Authority aforesaid, That the Sum of Two Thousand Five Hundred Pounds in the Bills of Credit aforesaid, be delivered into the Hands of the Provincial-Treasurer of this Province, for the Time being, who shall give his Receipt for the same, and who shall forthwith apply the said Bills, or so much of them as shall be needful, to the paying and discharging the several Sums of Money due

The Provincial Treasurer to have 2500 l. to answer former Debts.

F f and

and owing by any Order of the Assembly of the Province of *Pennsylvania*, within Two Years last past, where the Fonds have not been sufficient to pay and answer the same. And that the aforesaid Sum of *Two Thousand Five Hundred Pounds* in Bills of Credit, hereby directed to be paid into the Provincial-Treasury of this Government, may be truly and *bonâ Fide* sunk, as the Fonds arising by Virtue of Three Acts of Assembly, viz. *An Act for Laying an Excise on all Wine, Rum and other Spirits retailed in this Province: An Act for Laying a Duty on all Wine, Rum, Brandy and Spirits, Melasses, Cyder, Hops and Flax, imported, landed or brought into this Province: And An Act for laying a Duty on Negroes imported into this Province*, are paid unto the Provincial-Treasurer, for the Time being, *Be it Enacted by the Authority aforesaid*, That a Committee of Assembly of this Province, shall, once every Year, and oftner if the Assembly shall think fit, audit the Accounts of the Money received by the Provincial-Treasurer by Virtue of the Acts aforesaid, *for Laying an Excise on Strong Liquors, &c. in this Province*, and shall sink and destroy the said Bills in the Manner before directed for sinking the Bills of Credit received by the Trustees into the Loan-Office of this Province.

And whereas there are divers publick Works now undertaken to be done in the respective Counties of *Philadelphia*, *Bucks* and *Chester*, which cannot well be compleated for want of a Stock of Cash in the Hands of the Treasurers of the respective Counties,

Be it therefore Enacted by the Authority aforesaid, That the Sum of *One Thousand Pounds* in Bills of Credit, made Current by this Act, be delivered by the said Trustees into the Hands of the Treasurer of the County of *Philadelphia*, and the further Sum of *Two Hundred Pounds* in the Bills aforesaid into the Hands of the Treasurer of the County of *Bucks*; and the further Sum of *Three Hundred Pounds* in the said Bills into the Hands of the Treasurer of the County of *Chester*, to be applied by the respective Treasurers of the several Counties aforesaid, in such publick Services as the Commissioners and Assessors of the respective Counties shall think fit to order and direct.

The Sum of 1500l
to be paid the County
Treasurers.

And that the said Bills of Credit to be paid to the respective County-Treasurers aforesaid, for the Uses aforesaid, may be truly and *bonâ Fide* sunk,

Be it Enacted by the Authority aforesaid, That a Tax of One Penny per Pound, over and above all other County-Charges, shall be annually raised and levied by the respective Commissioners and Assessors of the said Counties in the same Manner as County-Levies by an Act of Assembly of this Province, Entituled, *An Act for the more effectual Raising of County Rates and Levies*, are directed and appointed to be raised and levied, until all the Bills of Credit received by the respective County-Treasurers for the Uses aforesaid, be sunk and destroyed by the Tax aforesaid. Which said Tax of One Penny per Pound, shall be paid into the Hands of the respective County-Treasurers in Bills of Credit, or current Money of *America*, towards the sinking the Bills of Credit by them respectively received for the Use of the respective Counties aforesaid. And that a Committee of the Assembly of this Province, shall, once every Year, audit the Accounts of the Money received by the respective County-Treasurers by Virtue of the said Tax of One Penny per Pound, and shall sink and destroy the said Bills of Credit in the Manner before directed for sinking the Bills of Credit received by the Trustees into the Loan-Office of this Province.

Provided always, That it shall and may be lawful to and for the Trustees of the Loan-Office aforesaid, or any Three of them, to let out upon Loan, in such Manner as they shall think best, any Sum of the said Bills of Credit, not exceeding the Sum of One Hundred Pounds to one Person, upon Security of Good Plate, to be delivered to them at the Value of Five Shillings current Money of *America*, per Ounce, and at the Interest of Five per Cent. per Annum, to be paid in again to the said Trustees in the Space of Twelve Months with the Interest aforesaid. And in Case of Non-Payment to sell and dispose of the said Plate for the most it will yeild, returning the Over-plus, if any be, to the Owner, after Payment of the Principal, Interest and Charges accrued thereupon, any Thing in this Act to the Contrary notwithstanding.

Trustees to let out Bills of Credit on Security of Good Plate, at 55. per Ounce

And be it further Enacted by the Authority aforesaid, That in Case of the Death or Removal of any of the aforesaid Trustees, the Assembly of this Province, for the Time being, shall, from Time to Time, during the Continuance of this Act, appoint some other fit Person or Persons, in the Room, Place and Stead of such Trustee or Trustees, so dying or being removed: Which Person or Persons to be so appointed shall give the like Securities, and lie under the same Obligations with those who are now named and appointed by this Act

Any Trustee or Trustees dying the Assembly of this Province to chuse another.

On Default of pay-
ment, the Mortgagers
to be sued by *Scire*
facias.

And be it further Enacted by the Authority aforesaid, That where Default shall be made or suffer'd by any Mortgager of any Lands, Rents or Houses (mortgaged by Virtue of this Act) his or her Heirs, Executors, Administrators or Assigns of, or in Payment of any of the Annual Payments or Sums, whether in Part of Principal or Interest, which they or any of them should have paid in such Manner and Form, and according to the Purport, Tenor and Effect of the said Deed or Deeds of Mortgage and this Act of Assembly, and at the Days, Times and Places in the same Deeds respectively mentioned and contained, That in every such Case, and upon any Default made in the Premises, it shall and may be lawful to and for the said Mortgagees, or Trustees, and the Survivors and Survivor of them, and Heirs, Executors and Administrators of the Survivors of them, and they are hereby required, after the Expiration of Two Months next ensuing any of the Days of Payment herein directed, in the said Mortgage contained, whereon any Part of the said mortgage Money and Interest ought to be paid, to sue forth a *Scire facias* out of the Office of the Clerk of the Court of Common-Pleas, for the County or City where the mortgaged Lands, Ground-Rents and Houses lie, and be directed to the proper Officer, requiring him by honest and lawful Men of the Neighbourhood, to make known to the Mortgager or Mortgagees, his, her or their Heirs, Executors, Administrators, and Assigns, That he, she or they be and appear before the said Justices of the said Court of Common-Pleas, to shew, if any Thing he, she or they have to say, Wherefore the said mortgaged Premises ought not to be sold, for the Payment of the said Mortgage Money with the Interest due thereupon, together with such Costs and Damages as the Court shall assess by Reason of the Non-Payment of the Money aforesaid, at the Time and Place, whereon the same ought to have been paid; and if the Defendant or Defendants in the *Scire facias* neglect or refuse to appear, or be not to be found in the County; or if the said Defendant or Defendants appear and do not pay down the Money and Interest in Bills of Credit, or current Money of *Pennsylvania*, then due upon the said Mortgage, together with the Costs of Suit, then the Court shall award Execution by *Levari facias*, directed to the proper Officer, by Virtue whereof the said mortgaged Premises shall be taken in Execution and exposed to sale by Publick Vendue, within one Month after the awarding Execution aforesaid. And upon Sale conveyed to the Buyer or Buyers thereof, and the Money or Price of the same rendred to the Mortgagee, or Trustees. And when the said Lands and Hereditaments shall be so sold or delivered, as aforesaid, the Person or Persons to whom they shall be so sold or delivered shall and may hold and enjoy the same, with their

Appur-

Appurtenances for such Estate or Estates as they were Sold or delivered, clearly discharged and freed from all Equity and Benefit of Redemption, and all other Incumbrances made and suffer'd by the Mortgagers their Heirs or Assigns. And such Sales shall be available in Law, and the respective Vandeers, their Heirs and Assigns, shall hold and enjoy the same freed and discharged, as aforesaid. But before such Sales shall be made, Notice shall be given in Writing, as is Directed by one Act of Assembly of this Province, Entitled, *An Act for taking Land in Execution for Payment of Debts.*

Provided also, And be it further Enacted by the Authority aforesaid, That when any of the said Lands, Tenements, Hereditaments or Ground-Rents, which by the Direction and Authority of this Act, are to be sold for Payment of Debts and Damages, due to the Publick in Manner aforesaid, shall be sold for more than will satisfy the same Debt and Damages, and reasonable Costs, then the Sheriff, or other Officer who shall make the Sale, must render the Over-plus to the Debtor or Defendants; and then, and not before, the said Officer shall be discharged thereof upon Record, in the same Court where he shall make Return of his Proceedings concerning the said Sales.

Overplus of the sale of Mortgages to be returned to the Owners.

Provided also, That no Sale which shall be made by Virtue of this Act, shall be extended to create any further Estate to the Vandeers than the Lands or Hereditaments so sold or delivered shall appear to be mortgaged for by the said respective Mortgages, or defeizable Deeds,

By sale no Estate shall be created to the Vandeers but what shall appear to be Mortgaged.

Provided also, That if any of the said Judgments which do or shall Warrant the Awarding of the said Writ of Execution, whereupon any Lands, Tenements or Hereditaments have been or shall be sold, shall at any Time hereafter be reversed for any Error or Errors; then, and in every such Case, none of the said Lands, Tenements, or Hereditaments so as aforesaid taken or sold, or to be taken or sold upon Execution, nor any Part thereof shall be restored nor the Sheriff's Sale thereof avoided.

The Sheriff's Sale to be good, and not to be reversed for any Errors.

And be it further Enacted by the Authority aforesaid, That if after any Lands, Ground-Rents or Houses are mortgaged, to the aforesaid Trustees, for any Bills of Credit, according to the Directions of this Act, it shall appear the Party Mortgager had no good Right and Title to the said Lands, Ground-Rents and Houses, or any of them, so that the Government may be in Danger of Losing the Monies, or any Part thereof advanced in Loan upon the Credit of the said Lands, Ground-Rents and Houses, it shall and may be lawful to and for the said Trustees, and they are hereby required and impowered to prosecute any

Action

*Mortgagers having
no good Right and
Title, shall be sued
by the Trustees for
Value received.*

Action or Actions of Debt or Covenant upon the said Mortgage or Mortgages against the said Mortgager, his Heirs Executors and Administrators, and the same to prosecute to Judgment and Execution in any Court of Record within this Province, for the Recovery of the Monies due on the said Mortgage, with the Costs of Suit, by all lawful Ways and Means whatsoever.

*Any Person at any
Time paying Interest
and Principal the
Mortgages to be dis-
charged.*

Provided always, That if any Person or Persons, who shall take upon Loan any of the said Bills of Credit, shall see Cause at any Time, after the Making the said Mortgage, to pay down the whole Principal and Interest, then due, in like Publick Bills of Credit, or current Money of *America*; upon his or her so doing such Mortgage or Security shall be released and delivered, in the Manner before directed, and the Lands, Ground-Rents and Houses, in the said Mortgage Deed contained and Mortgaged, shall be forever discharged therefrom.

CHAP. CCLI.

An ACT to rectify Proceedings upon Attachments.

WHEREAS in the Execution of a Law of this Province, Entituled, *An Act about Attachments*, divers Irregularities and fraudulent Practices have happened to the Injury of such Creditors as were willing to accept of an equal Share of their Debtor's Effects, in Proportion to their Demands, and not have them wasted in needless Prosecutions, contrary to the true Design of the said Act, Therefore to prevent such Practice for the Future, may it please the Governour that it may be Enacted,

And be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That from henceforth no Writ or Writs of Attachment shall issue forth, or be granted, before the Person or Persons requesting the same or some other credible Person or Persons for him, or them, shall upon Oath or Affirmation, declare, That the Defendant in such Attachment, is indebted to the Plaintiff therein named, in the Sum of *Forty Shillings*, or more, and that the Defendant is and has been absconded from the Place of his usual Abode for the Space of Six Days, with Design to defraud his Creditors, as is believed, and that the Defendant

has

has not left a clear real Estate in Fee-simple within this Province, sufficient to pay his Debts, so far as such Plaintiff or Deponent knows or believes. Which Oath or Affirmation, the Officer that grants such Writs is hereby impowered and required to administer, and to File the same in the Court to which the said Attachment is returnable, and if any Attachments be granted or issued out, otherwise or contrary to the true Intent and Meaning hereof, the Officer or Person so granting the same, shall, for every such Offence, forfeit the Sum of *Five Pounds*, the one Half for the Use of him or her that will sue for the same, the other Half to the Governour, for the Support of Government.

No Writ of Attachment to issue except the Person indebted is not worth being charged, or is absconded.

And be it further Enacted by the Authority aforesaid, That all Writs of Attachments to be issued out, as aforesaid, shall be directed to and served by the Sheriff or Coroner of the proper County, who shall attach all the Lands, Goods, Chattles and Effects whereof the Defendants in every of the said Writs named, were possessed or reputed Owners at the Time of their absconding, in whose Hands soever the same can be found: And that all the said Chattles and Effects attached by Virtue of such Writs, shall forthwith be appraised, inventory'd, and secured by the Officer, who executes the Writs in such Hands as he shall answer for.

Writs of Attachments to be directed by the Sheriff or Coroner.

Chattles and Effects to be forthwith appraised and secured.

And if any of the Defendant's Money or other Effects, happen to be garnished in other Hands, the same shall also be attached, and the Garnishers obliged to appear and answer at the Return of such Writs, and be proceeded against in such Manner as by the above recited Act is directed.

Defendants Effects, garnished shall also be attached.

Provided always, That no Second or other Attachment shall, under the Penalty aforesaid, be issued against, or served upon the Estate or Effects of the same Defendant unless the first Attachment be not executed or happens to be dissolved by the Court.

No second attachment to issue out.

And be it further Enacted by the Authority aforesaid, That as soon as the Justices of that Court, where the said Writs of Attachment are returnable, accept the Officer's Return thereof, they are hereby impowered and required to nominate and appoint Three honest and discreet Men to audit the Accounts of all the Defendant's Creditors, and to adjust the Demands not only of the Plaintiffs in those Attachments, but of all the Rest of the Defendant's Creditors, and settle their Shares or Proportions of the Defendants whole Estate Real and Personal, and make true Report of their Proceedings therein to the Justices of the Court next after such Appointment, which Justices are hereby impowered and required to

Justices accepting the Officers return of Writs shall nominate Men to audit Accounts and adjust demands.

to allow reasonable Fees to the said Auditors, out of the Goods or Effects attached, as aforesaid, as a Reward for their Trouble.

*Auditors are impow-
ered to examine Men
upon interrogatories
to discover the De-
fendants Estates.*

And for the better Discovery of the fraudulent Practices of the said Defendants it shall be lawful for the Auditors, so, as aforesaid, to be appointed, or the major Part of them, to examine such Persons as they shall think fit upon Interrogatories or otherwise, on Oath or Affirmation (which they are hereby impowered to administer) touching the Lands, Tenements, Goods, Chattles or Effects of the said Defendants and such other Things as may tend to disclose their Estates, or their secret Grants and alienating of their Effects. And that the said Auditors may, by Warrants under their Hands and Seals, cause to be broke open any Houses, Chambers, Shops, Ware-Houses, Doors, Trunks or Chests of the said Defendants where their Goods or Effects shall be, or reputed to be, and seize the same for the Use of their Creditors.

*Auditors to make
sale of the Defen-
dants Lands, Goods
or Chattles.*

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Auditors, or a Majority of them, to make Sale and Assurance of ail the Lands and Tenements, Goods and Chattles belonging to such Defendants, or otherwise to order the same for Satisfaction of their Creditors rateably, according to the Quantity of their respective Debts: And that every Direction, Bargain, Sale or Assignment, done by the said Auditors concerning the Permisses, pursuant to this Act, shall be good and effectual in Law against the said Debtors, their Heirs, Executors and Assigns. And that it shall and may be lawful for a Majority of the said Auditors to Grant and Assign, or otherwise to order or dispose of all or any of the Debts due, or to be due, to and for the Benefit of the said Defendants to the Use of their Creditors. And that the same Grant, Assignment or Disposition of the said Debts so to be made, shall vest the Property, Right and Interest thereof in the Person or Persons (of him, her or them to whom it shall be so granted, assigned or ordered by the Auditors: So that such Assignees may sue for and recover the said Debts in their own Names, and detain the same to their own Use. And that after such Grant, Assignment or Disposition made of the said Debts, neither the said Defendants nor any other to whom such Debts shall be due shall have Power to recover the same, nor to make any Release or Discharges thereof.

*And dispose of
Debts due to the
Defendants.*

Provided always, That the Persons nominated as Auditors shall give publick Notice, Thirty Days before the Sale or Disposition of such Goods or Effects, as aforesaid, by a publick Advertisement in the *Weekly Mercury*, or affixed on the Doors of the respective Court-Houses of this Province.

Auditors to give Notice 30 Days before Sale of Effects.

And if the said Defendants have heretofore granted convey'd or assured, or shall at any Time hereafter grant, convey or assure any Lands, Tenements, Hereditaments, Goods, Chattles or other Estate, unto any Person or Persons upon Condition or Power of Redemption at a Day to come, by Payment of Money or otherwise, that it shall and may be lawful to and for the said Auditors or a Majority of them, before the Time of Performance of such Condition, to assign and appoint under their Hands and Seals, such Person or Persons, as they shall think fit, to make Tender or Payment of Money, or other Performance, according to the Nature of such Condition, as fully as the said Defendants ought to have done. And that the said Auditors shall, after such Tender, Payment or Performance, have Power to sell and dispose of such Lands and other Estates so assured, upon Condition to and for the Benefit of the Creditors, as aforesaid.

Any Lands conveyed or assured with Power of Redemption may be sold by them, &c.

Provided always, That the Over-plus of the said Debtors Estate (if any be) after all their Debts and lawful Charges are deducted, shall be returned to such Debtors their Executors or Administrators, any Thing herein contained to the Contrary notwithstanding.

Over-plus of Estates to be returned.

Provided also, That nothing in this Act contained shall be deemed to repeal or disannul any Thing in the Law, Entituled, *An Act about Attachments under Forty Shillings*; any Thing herein to the Contrary notwithstanding.

Nothing to repeal the Law about Attachments.

Provided always, That nothing in this Act contained shall be construed, deemed or taken, to exempt the Goods or Effects of any Person or Persons, nor Inhabitants of this Province, from being attached, according to the Directions of an Act of General Assembly of this Province, made in the Fourth Year of the late Queen *Anne*, Entituled, *An Act about Attachments*, any Thing in this, or any other, Act contained to the Contrary hercof in any wise notwithstanding.

Any Person's Goods not Inhabitants may be attached.

CHAP. CCLII.

An ACT for reducing the Interest of Money, from Eight to Six per Cent. per Annum.

6! per Cent. to
be lawful interest of
Money, &c.

BE it Enacted by Sir William Keith, Bart. Governour, of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That no Person shall, directly nor indirectly, for any Bonds or Contracts to be made after the Publication of this Act, take for the Loan or Use of Money, or any other Commodities above the Value of *Six Pounds*, for the Forbearance of *One Hundred Pounds*, or the Value thereof, for one Year, and so proportionably for a greater or lesser Sum, any Law, Custom or Usage to the Contrary notwithstanding.

Any Person taking
more than 6 per Cent
on Conviction forfeits
the Money or other
Things lent.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, do or shall (after the Publication of this Act) receive or take more than Six Pounds per Cent. per Annum, on any such Bond or Contract, as aforesaid, upon Conviction thereof, the Person or Persons, so offending, shall forfeit the Money and other Things lent; one Half thereof to the Governour, for the Support of Government, and the other Half to the Person who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoyn, Protection or Wager of Law, or any more than one Imparance shall be allowed.

Chap. 253. *An ACT for Respiteing Executions upon certain Judgments of Courts in this Province.* Obsolete.

Chap. 254. *An ACT for vesting the Lands and Lots, commonly called the Lands of the Free-Society of Traders in Pennsylvania, in Trustees, to be Sold for the Payment of such Sums of Money, as were paid into the Publick Stock of the said Society, for purchasing the said Lands and Lots, and carrying on the Trade designed by said Society.*

Chap. 255. *An ACT directing the Proceß of Summons against Free-holders.* Supplied.

CHAP. CCLVI.

A Supplementary ACT to the Act, Entituled, An Act for Emitting and Making current Fifteen Thousand Pounds, in Bills of Credit.

WHEREAS for good Reasons an Act of General Assembly of this Province was made and published this Session of Assembly, Entituled, *An Act for the Emitting and Making current Fifteen Thousand Pounds in Bills of Credit*; and because of the dubious Construction of some Words mention'd in the said Act, it is apprehended, the same will not answer the full Intent for which it was made: Wherefore, for better Explanation thereof, and to supply any Defect that may obstruct the good Ends and Purposes for which the said Act was made,

Be it therefore Enacted, by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That the Receipts enjoined to be given to the Trustees by the Provincial-Treasurer and the respective County-Treasurers, of Philadelphia, Bucks and Chester, for the respective Sums ordered to be paid to them in Bills of Credit by the said Act of Assembly, shall be deemed, taken and allowed to be good and sufficient Discharge to the said Trustees, their Heirs Executors and Administrators, for the Sums in Bills of Credit in said Receipts mentioned to be received. And that after the aforesaid Sum of Eleven Thousand Pounds in the said Bills of Credit, ordered to be let out upon Loan by the said Act, shall be accounted for by the said Trustees, and sunk according to the Directions of the Act of Assembly, the aforesaid Trustees, their Heirs, Executors and Administrators, and every of them, shall from thence forward stand, and forever be clearly discharged and acquitted of and from all and all Manner of Securities, and other or further Demands to be had or made for any Thing by them done in Discharge and Execution of the Trust reposed in them by the said Act.

Treasurers Receipts to be sufficient for the Trustees Delivery Money.

And whereas the Trustees are enjoined by the said Act, to attend the Loan-Office at *Philadelphia*, two Days in every Week for the first Six Months, after the Date of the said Bills; which Attendance may prove burthenfome to the said Trustees, and of no Service to the Publick, if all the said Sum of *Eleven Thousand Pounds* in Bills of Credit should be let out upon

Trustees Attendance
to be as Directed.

Loan in less Time than the Space of Six Months, *Be it therefore Enacted, by the Authority aforesaid,* That the Attendance to be given at the said General Loan-Office, after all the said Bills of Credit are let out upon Loan, shall be at the Discretion of the said Trustees, any Thing in the aforesaid Act to the Contrary in any wise notwithstanding.

Coin'd Gold to be
current at 2d 3q-per
Gram.

And be it further Enacted by the Authority aforesaid. That Spanish Pistoles, or any Pieces of good coin'd Gold, shall pass in this Province, at the Rate of *Two Pence Three Farthings per Gram, or Five Pounds Ten Shillings per Ounce* in all Payments whatsoever, and shall be accepted accordingly in the General Loan Office of this Province, and that no Person shall exact any higher or other Rates for the same under any Pretence whatsoever.

Chap. 257. *An additional ACT to the Act, Entitled, An Act for Laying an Excise or Duty on all Wine, Rum, and other Spirits retailed in this Province. Expired.*

Chap. 258. *An ACT for the Encouragement of Trade. Obsolete.*

CHAP. CCLIX.

An ACT for regulating and establishing FEES.

FOR preventing of Extortion and undue Exactions of Fees by the several Officers and Practitioners of Law in this Province; and to the End that all Fees may be limited and reduced to Certainty, *Be it Enacted, by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province, in General-Assembly met, and by the Authority of the same,* That the Fees of the several Officers and Practitioners of Law in this Province, shall be as herein after is ascertained, limited and appointed, *viz.*

That the Fees belonging to the Keeper of the Great-Seal of this Province, shall be as follows, viz.

FOR Affixing the Seal to the Lieutenant-Governour's Commission, to be paid by the Publick, *Fifteen Shillings.*
For Affixing the Seal to the Keeper of the Great-Seal's Commission, to be paid by the Party, *Twelve Shillings.*

For

- Any Body of Laws past in any Session of Assembly, to be paid by the Publick, *Twelve Shillings*.
- Any Copy of such Body of Laws sent Home for the Royal Assent, to be paid by the Publick, *Twelve Shillings*.
- Each private Law for Sale of Lands and Hereditaments, to be paid by the Party, *Six Shillings*.
- An Exemplification of such Laws, to be paid by the Party, *Five Shillings*.
- The Master of the Roll's Commission, to be paid by the Party, *Ten Shillings*.
- Every Provincial Judges Commission, to be paid by the Publick, *Six Shillings*.
- A Commission of Sheriff of the City and County of *Philadelphia*, to be paid by the Party, *Eight Shillings*.
- A Commission of Sheriff of *Bucks* and *Chester*, each, to be paid by the Party, *Five Shillings*.
- A Proclamation by the Governour and Council, to be paid by the Publick *Four Shillings* and *Six Pence*.
- A Commission of the Peace, to be paid by the County, *Four Shillings* and *Six Pence*.
- The Attorney General's Commission, to be paid by the Publick, *Four Shillings* and *Six Pence*.
- The Secretary's Commission, to be paid by the Party, *Four Shillings* and *Six Pence*.
- The Surveyor General's Commission, to be paid by the Party, *Four Shillings* and *Six Pence*.
- A Commission for Clerk of the County of *Philadelphia*, to be paid by the Party *Ten Shillings*.
- A Commission for Clerk of *Bucks* or *Chester*, to be paid by the Parties, *Five Shillings*.
- The Register General's Commission, to be paid by the Party, *Ten Shillings*.
- Each Coroner's Commission, to be paid by the Party, *Four Shillings*.
- A Charter for a City, to be paid by the Parties, *Twenty Shillings*.
- A Charter for a Burrough or Town, to be paid by the Parties, *Ten Shillings*.
- The Proprietor's Receiver General's Commission, to be paid by the Party *Four Shillings* and *Six Pence*.
- Any single Law, (other than private Acts) passed in any Session of Assembly, *Four Shillings* and *Six Pence*.
- A Special Commission, to be paid by the Publick, *Four Shillings* and *Six Pence*.
- Each Patent for Land or Lots, to be paid by the Party, *Four Shillings* and *Six Pence*.

The Keeper of the Great-Seal's Fees.

And that the Fees belonging to the Master of the Rolls shall be as follows, viz.

*The Master of the
Rolls.*

FOR

Recording the Laws of the Province in a fair, close Hand, including Parchment or Book, for every Line, not less than Twelve Words, one with another, *One Half-penny.*

Exemplification or Copying of all Laws under the Seal, for the Royal Assent, or for the several Counties of this Province, *One Half-penny per Line*, as above.

Recording, Exemplifying or Copying all Patents, Commissions, Proclamations and other Instruments, for each Line as it stands recorded, as above, *One Half-penny.*

Recording Deeds, Writings and Things appertaining to the Enrollment Office, he finding Paper or Parchment, for each Line, as aforesaid, *One Half-penny.*

A Copy or Exemplification of any Record in the said Office, as it stands recorded, for each Line, *One Half penny.*

Searching any Roll or Record, *One Shilling.*

Indorsement of Certificate on each Deed proved or acknowledged, and his Hand and Seal thereto, *One Shilling and Six Pence.*

And that the Fees belonging to the Justices of the Supream-Court shall be as follows, viz.

*Justices of the
Supream-Court.*

FOR

Allowing and signing the Allocator of every *Certiorari*, for removing of Indictments, Orders, &c. *four Shillings.*

Every Cause brought into Court by *Certiorari*, or Writ of Error, *Six Shillings.*

Taking Bail to prosecute a *Certiorari*, *Two Shillings.*

Judgment on every Writ of Error, *Nolli prosequi*, or other Matter to the Bench, *Six Shillings.*

Every Rule of Court, Imparlanee, Continuance, by Adviseement or otherwise, *Two Shillings.*

And that the Fees belonging to the Governour's Secretary, or Clerk of the Council, shall be as follows, viz.

Governour's Secretary

FOR

Reading and entering every Petition to the Governour and Council, for laying out High-Roads, *Two Shillings.*

Entering their Order thereupon, for laying out the Road, and Entering the Return thereof when laid out, *Four Shillings and Six Pence.*

A Copy thereof, if required, *Three Shillings.*

Reading and Entering every other Petition, and the Order or Answer thereof, *Two Shillings.*

For

FOR

A Mediterranean Pass, or Let-Pass, if required, each, *Three Shillings*.

A Register of every Vessel, *Four Shillings*.

Writing of the Provincial-Judges Commission, or for Trial of Negroes, each, *Five Shillings*.

General Commissions of the Peace, to be paid by the County, *Five Shillings*.

A single Commission for a Justice or Coroner, to be paid by the County, *Four Shillings and Six Pence*.

A single Commission for Sheriff or Clerk, to be paid by the Party, *Six Shillings*.

A Warrant under the lesser Seal, to affix the Great-Seal to any Body of Laws, or single Law pass'd here, Provincial-Judges Commission, Commission of the Peace, or any other Commission, Proclamation, or other publick Instrument, each, *Two Shillings and Six Pence*.

The like for a Pardon, to be paid by the Party, *Four Shillings*.

And that the Fees belonging to the Proprietary's Secretary shall be as follows, viz.

FOR

Every Warrant of Land directed to the Surveyor, *Two Shillings*.

Every Patent for Lands, to be in Parchment, *Seven Shillings and Six Pence*.

Every Recital of Transference, or mentioning more than one Tract or Parcel of Land, *Nine Pence* each, over and above the said *Seven Shillings and Six Pence*. *Proprietary's Secretary.*

And that the Fees belonging to the Attorney-General shall be as follows, viz.

FOR every Capital Cause, where Life is concerned, *Twenty Four Shillings*, for the whole Prosecution, to be paid by the Party.

And if not found by the Grand Inquest, *Twelve Shillings*, to be paid by the County.

For every other Matter by Bill of Indictment, *Six Shillings*. *Attorney General.*

And that the Fees belonging to the Sheriff of every County of this Province, shall be as follows, viz.

FOR

Serving every Writ of Arrest, and taking into Custody, *Four Shillings and Six Pence*.

Serving a Summons, *Three Shillings*.

Return of a Summons, Arrest or Attachment, *One Shilling*.

For

Sheriff's.

FOR

Delivery of a Copy of a Declaration, *One Shilling*.
 Every Bail-Bond, *Two Shillings and Six Pence*.
 Travelling Charges for every Mile, *Two Pence*.
 Summoning or serving a Witness with a *Subpœna*, besides Mileage, *Nine Pence*.
 Summoning and returning a Jury in every Cause where Issue is joined, *Two Shillings*.
 Returning an Execution for Land, *Six Shillings*.
 Returning an Execution for Goods and Chattles, *One Shilling and Six Pence*.
 Serving an Execution, and selling the Lands or Goods executed or delivered to the Creditor and returning the *Venditioni exponas*, or *Liberari facias*, for any Sum not exceeding *One Hundred Pounds*, *Six Pence per Pound*. If above *One Hundred Pounds*, *Three Pence per Pound*, and no more. And that no Poundage be paid for more than the real Debt or Damage due to the Plaintiff named in the Execution.
 The Turn-Key's Fees to be paid upon the Discharge of a Prisoner, *Two Shillings and Six Pence*. But if upon a Debt under *Forty Shillings*, *Nine Pence*.
 Executing Writs of Enquiry of Damages, Attesting the Jury and making Return thereof, *Nine Shillings*.
 Executing every Writ of Enquiry, and all Writs or Orders of Partition of Lands or Tenements, Attesting the Jury for any Matter or Thing to be done by him about such Partition, and making Return thereof, *Twenty Shillings*. But if the Business of the Partition exceed what the Jury can perform in one Day, then the Sheriff for every Day more that he shall attend on the Jury, about the said Partition, shall have *Six Shillings per Diem*.
 Every Judgment in civil Causes, *One Shilling*.
 Assigning every Bail-Bond, *One Shilling and Six Pence*.
 Every Criminal Cause, *Ten Shillings*.
 Every Capital Cause *Twenty Shillings*.
 Laying Fines, Forfeitures and Amerciaments estreated and paid to the Treasurer, *Six Pence per Pound*, to be allowed by the Treasurer out of the same.

And that the Fees belonging to every Coroner of the Counties of this Province, shall be as follows, viz.

Coroner's.

FOR

Viewing a Dead Body, *Ten Shillings*.
 Summoning the Inquest, entering the Verdict and returning the Inquisition, *Ten Shillings*.
 Summoning or arresting the Sheriff, or any other Person for him, *Four Shillings and Six Pence*.
 Travelling Charges, each Mile, *Two Pence*.

And

And that the Fees belonging to the Justices of Peace, shall be as follows, viz.

FOR Writing, Signing and Sealing every Warrant, Mittimus, Recognizance, Certificate, Pass, or other Instrument, *One Shilling and Six Pence.*
 Signing every Attachment, Arrest or Summons, *One Shilling.*
 Taxing every Bill of Costs, and Signing every Judgment of Court, *One Shilling.*
 Every Judgment of Court, upon Confession, Default, *Nolle prosequi*, or otherwise, Bench-Fees, *Four Shillings.*
 Signing and Sealing every judicial Writ, *One Shilling.*
 Respiting every Recognizance, *Six Pence.*
 Writing the Assignment of a Servant, Signing it, and keeping a Record thereof, *Two Shillings.*
 Taking a Deposition or Affidavit out of Court, *One Shilling.*
 Every Warrant of Summons, Capias or Attachment, and Execution for Demand under *Forty Shillings* each, *Nine Pence.*
 For every Judgment for such Debt or Demand, *Nine Pence.*

Justices of the Peace.

And that the Fees belonging to the Prothonotary or Clerk of the Supreme-Court, shall be as follows, viz.

FOR Entering every Action or Cause there, *One Shilling.*
 Filing the Errors assigned in every Cause, *One Shilling.*
 Every Retrait, Discontinuance or Quashing of a Writ of Error, *One Shilling.*
 Entering every Appearance, *One Shilling.*
 Filing and Entering any Demurrer, Plea, Replication, and every other subsequent Plea and Issue, *One Shilling and Six Pence.*
 Calling the Jury and Attesting them, *One Shilling and Six Pence.*
 Attesting each Witness in every Cause, *Nine Pence.*
 Recording every Verdict, *One Shilling and Six Pence.*
 Recording every Judgment, *One Shilling.*
 Entering every Continuance, *One Shilling and Six Pence.*
 Entering the Arrest of Judgment, *One Shilling and Six Pence.*
 Entering every Warrant of Attorney, Committatur or Rule of Court, *One Shilling.*
 Reading the Record, which is all the Proceedings below and above, *Two Shillings.*
 Every *Nolle prosequi*, *One Shilling.*
 Filing a Declaration, *One Shilling and Six Pence.*

Clerk of the Supreme Court.

For Reading every Affidavit, *Nine Pence.*

For acknowledging Satisfaction upon Record, *One Shilling and Six Pence.*

For every Subpœna to give Evidence, *One Shilling and Six Pence.*

And that the Fees belonging to the Clerk of the Court of the General Quarter-Sessions of the Peace and Goal-Delivery in every County and City of this Province, shall be as follows, viz.

F Every Warrant of the Peace or Behaviour, requiring to bring Sureties, if drawn by the Clerk, *Nine Pence.*
 Every Common Warrant, Subpœna or Mittimus, if drawn by the Clerk, *Nine Pence.*
 Every Deposition upon Examination, if written by the Clerk, *Nine Pence.*
 Every Recognizance, if drawn by him, *Nine Pence.*
 Every Indictment of Felony, Trespas, Assault, Battery, Riot, &c. If drawn by the Clerk, *Three Shillings.*
 A Copy thereof, *One Shilling.*
 Entering every Appearance to every Judgment or Information, *Nine Pence.*
 Discharge of every Person upon Bail for the Peace, Good-Behaviour, Contemp^r, or the like, with a Warrant of Discharge thereon, *One Shilling.*
 Awarding and making out Process against the Defendant upon an Information or Indictment, *One Shilling.*
 Discharge of every Indictment upon *Ignoramus*, *Nine Pence.*
 Every Plea of Not guilty, *Nine Pence.*
 Entering every special Plea or Demurrer, *One Shilling.*
 Entering every Submission, *Nine Pence.*
 Calling the Jury and Attesting them, *Nine Pence.*
 Attesting each Witness in every Trial, *Four Pence.*
 Entering every Verdict, *Nine Pence.*
 Entering every Judgment, *Nine Pence.*
 A Copy of every Judgment, *Six Pence.*
 Every judicial Writ in Criminal Cases, *Two Shillings and Six Pence.*
 Respiteing a Recognizance, *Nine Pence.*
 Every Writ of Restitution, *Two Shillings.*
 Drawing and Entering every Order of Sessions, *Nine Pence.*
 Copying of every Order of Sessions, *Nine Pence.*
 Reading and Entering every Petition, *Nine Pence.*
 Entering the Return at large of a Road laid out, *Two Shillings and Six Pence.*
 A Copy thereof, for every Sheet containing Thirty Lines, and Twenty Words in a Line, *Two Shillings.*
 Making out the Estreats for levying Fines and Forfeitures of each Session, *One Shilling.*

Clerk of the Quarter-Sessions.

FOR

For

FOR

Entering Simileter to join Issue, *Six Pence*.
 Relinquishing the Plea, and entering Submission, *Nine Pence*.
 A *Vniere facias*, *One Shilling*.
 Reading the Indictment and Arraigning the Criminal, *Nine Pence*.
 Continuing the Cause after Issue joined, *Nine Pence*.
 Reading every Evidence upon Trial, *Four Pence*.
 Allowing every Writ of *Certiorari*, Writ of Error or *Præcedendo*, *Six Pence*.
 Entering a *Nolli prosequi*, *Nine Pence*.
 Entering the Rule, upon a Motion to Arrest Judgment, *Nine Pence*.
 Entering the Arrest of Judgment, *Nine Pence*,
 A *Habeas Corpus*, *Two Shillings*.
 Drawing up and examining every Record of all the Proceedings upon Indictments or Informations in Rolls of Parchment not less than Ten Inches wide, for every Line containing Twelve Words, *Three Farthings per Line*.
 A Copy and Signing thereof, if required, *One Half-penny per Line*.
 Writing every Recommendation for a Licence to keep a Publick Inn or Ale-House, for selling Provision, and all Sorts of Liquors, and Making the Bond or Recognizance, and Entering the said Licence, Bond or Recognizance, *Five Shillings*.

And that the Fees belonging to the Prothonotary or Clerk of the Common-Pleas in every County of this Province, shall be as follows, viz.

FOR

Every Arrest, Attachment or Summons, *Three Shillings* and *Four Pence*.
 Every Replevin, *Three Shillings*.
 Entering every Action, *Six Pence*.
 Filing the Declaration, *Six Pence*.
 A Copy of the Declaration, in an Action of Account, Debt, Detinue, Trespass, Assumpsit, Trover and Ejectment, *One Shilling*.
 A Copy of a Declaration in an Action of Slander, Covenant or Waste, *Two Shillings*.
 Withdrawing or Discontinuing every Action, *Nine Pence*.
 Entering every Appearance, *Six Pence*.
 Filing and Entering every Demurrer, Plea, Replication and Pleas subsequent, and Issue in every Action, *Six Pence*.
 Entering every General Issue, *Six Pence*.
 A Copy of every Plea, Replication, or Pleas subsequent, *Six Pence*.

Clerk of the Common-Pleas.

FOR	Calling the Jury and Attesting them, <i>One Shilling.</i>
	Attesting each Witness, who shall give Evidence on every Trial, <i>four Pence.</i>
	Recording every Verdict, <i>Nine Pence.</i>
	Entering the Judgment, <i>Nine Pence.</i>
	Every Continuance, <i>Nine Pence.</i>
	Entering a Committatur, <i>Nine Pence.</i>
	Entering every Warrant of Attorney, and Filing, <i>Six Pence.</i>
	Entering Remittitur for Debt or Damages, <i>Nine Pence.</i>
	Drawing the Bill of Costs at large, <i>Nine Pence.</i>
	Acknowledging Satisfaction of a Judgment upon Record, <i>Nine Pence.</i>
	Making out the Estreats for levying Fines and Forfeitures in each Court, <i>One Shilling.</i>
	Each Cause contained in the List of Issues, to be set up in the Clerk's Office, and in Court when sitting <i>Three Pence.</i>

And that the Fees belonging to the Register-General of this Province, shall be as follows, viz.

FOR	Register-General.	Granting and Making Letters of Administration, under the Seal of the Office, Registering the same, and taking Bond, <i>Twelve Shillings.</i>
		Making and Granting Probate of a Will, with Copy of a Will, under the Seal of the Office, and Registering the same, <i>Fifteen Shillings.</i>
		A Copy of Letters of Administration, <i>Four Shillings.</i>
		A Citation, <i>Two Shillings.</i>
		Filing the Inventory, and Certifying the Time when it was brought into the Office, on the Back of the Bond, or if no Bond, giving the Executors such Certificate, <i>Nine Pence.</i>
		A Copy thereof, if it exceed not <i>One Hundred Pounds, Three Shillings.</i> But if it amount to more <i>Six Shillings.</i>
		A Search, <i>One Shilling and Six Pence.</i>
		A Quietus, <i>Four Shillings.</i>
		Every Caveat, <i>One Shilling.</i>
		Filing and Entering a Renunciation, <i>One Shilling.</i>
		A Copy of an Administrator's Account, if less than one Sheet, <i>Four Shillings.</i> : If more, <i>Three Shillings per Sheet.</i>
		A Copy or Exemplification of a Will under Seal, which does not go with the Probate, for every Line, not less than Twelve Words, <i>One Half-penny.</i>

And that the Fees belonging to the Attornies at Law in this Province, shall be as follows, viz.

FOR	{	Every Replevin (if drawn by the Attorney) <i>Three Shillings.</i>		
		All Actions they shall undertake for Plaintiff or Defendant with Declaration, <i>Twelve Shillings</i>		
		Attending every Writ of Enquiry, <i>Four Shillings.</i>		
		Every Action brought to Judgment, <i>Twelve Shillings.</i>		
		Writing every Writ of Enquiry, <i>Scire facias, &c. adition expous</i> or Execution, <i>Three Shillings.</i>	Attornies.	
		Drawing the Recognizance for prosecuting a Writ of Error or <i>Certiorari</i> , in the Supream-Court, <i>Two Shillings and Six Pence.</i>		
		Every Writ of Execution in that Court, <i>Six Shillings.</i>		
			Drawing every Warrant of Attorney, <i>Six Pence.</i>	

And that the Fees belonging to the Constables within this Province, shall be as follows, viz.

FOR	{	Serving a Warrant, <i>One Shilling.</i>	
		Travelling Charges, <i>Two Pence per Mile.</i>	
		Serving every Attachment, <i>One Shilling.</i>	
		Serving an Execution for a Debt under <i>Forty Shillings,</i>	Constables.
		<i>One Shilling.</i>	
		Selling Goods taken in Execution, <i>One Shilling.</i>	

And that the Fees belonging to all Juries and Inquests within this Province, shall be as follows, viz.

FOR	{	trying all Actions upon Issue joined, <i>Eight Pence per Man.</i>	Jurymen.
		For every Inquisition on Writs of Enquiry of Damages, Elegit, Partition, or on any Inquest of Office, or other Enquiry, each Man, <i>Two Shillings per Diem.</i>	

AND	{	that every Witness shall have for every Day he spends in going, coming and attending to give Evidence in any Cause, <i>Two Shillings per Diem.</i>	Witnesses.

AND	{	that the Cryer of every Court shall have for every Action called in Court, <i>Nine Pence.</i>	Cryer.

And that the Fees belonging to the Surveyor of Lands within this Province, shall be as follows, viz.

FOR	{	every single Hundred Acres or lesser Quantity, Survey'd by him, <i>Seven Shillings and Six Pence.</i>	
			For

For Surveying any Tract of Land, above One Hundred Acres, for the first Hundred *Seven Shillings and Six Pence*, and for every Hundred Acres above, the Sum of *Three Shillings*

For a whole Lot, with Return and Plot, *Six Shillings*.

Which said Fees respectively, shall be paid upon their delivering up the Draught or Plot, and Return of the Survey, signed with the Surveyor's own Hand, to the Owner or Possessor, of the said Lands or Lots, and not before.

For Searching for a Warrant or Return, and Copy thereof, each *One Shilling and Six Pence*.

For Travelling Charges, *per Mile, Two Pence*.

For a Search if not found, *Nine Pence*.

Surveyor.

And the Surveyor shall, in fair Books, Record the Warrant and shall duly prove the Draughts, and then Record them.

For Recording the Proprietor's Warrant, Making a Return thereof, after the Survey, into his Secretary's Office, Recording the same, and for a Draught, *Five Shillings*.

Which Fees, as aforesaid, are to be in full of all Manner of Fees that the Surveyor or his Deputies, by any Means whatsoever may hereafter pretend to, claim or take for any Matter or Thing relating to his said Office.

Chain-Carrier.

AND that the Fees belonging to each Chain-Carrier shall be after the Rate of *Three Shillings per Day*, and the Owner of the Land to find a Marker.

Controulers.

AND that the Controulers shall have for every Ship or Vessel above One Hundred Tons, *Six Shillings*, and for all Vessels under, *Four Shillings*.

Persons drawing
Indictments defective
to make new ones
Gratis.

And if any Attorney-General, Clerk of any of the said Courts, or other Person, draw any Indictment or Information Defective, they shall draw new Bills or Informations, *Gratis*, or forfeit *Five Pounds*, with full Costs, to be recovered as hereafter directed.

Tables of Fees to
be set up.

And be it further Enacted by the Authority aforesaid. That all and every the respective Officers and Attornies at Law, whose Fees are herein before respectively ascertained, limited and appointed, shall and are hereby required to make fair Tables of their Fees respectively, according to this Act, and to publish and set up the same in Manner following, viz. The Fees of the respective Courts, in the said Courts, from Time to Time, during the sitting of the said Courts; and the Fees of other Officers in their respective

five Offices, within three Months after the Publication hereof, where it shall be constantly exposed to View and Inspection of all Persons who have Business in the said Offices.

And if any Attorney at Law, or Officer herein before mentioned, shall Neglect or Delay to make and set up the Tables of their Fees, as herein before limited and appointed by this Act; or shall by Colour of any Law, Custom or Usage of this Province or *Great-Britain*, take, directly or indirectly, any more, greater or other Fees than is herein before appointed for the Doing, Acting or Performing any of the Matters or Things herein before enumerated; or shall make Demand of any Fees, without giving the Party, of whom such Fees shall be demanded, a Bill of Particulars, Signed by him, if demanded; or shall refuse, upon Demand, to give the Party a Receipt or Discharge under his Hand for the Fees, upon Payment thereof; every such Person or Officer shall forfeit and pay for the first of every such Offence the Sum of *Ten Pounds*, current Money of this Province; and for the second Offence the Sum of *Twenty Pounds*, Money aforesaid, one Half to the Governour, for the Support of this Government, and the other Half to him or them that shall sue for the same: Which with the Penalties and Forfeitures aforesaid shall be recovered, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law, or more than one Imparance shall be allowed. And for the Third and every other Offence, be liable to be displaced or removed out of his Office, any Law, Custom or Usage to the Contrary notwithstanding.

Attornies &c. demanding greater fees &c. forfeit 10 l. for the first Offence.

For the 2d. 20 l.

For the 3d. to be displaced, &c.

And be it further Enacted by the Authority aforesaid, That no Attorney or Practitioner at Law shall be admitted to make any Plea at the Bar (except in his own Case) without taking the following Qualification by Oath or Affirmation, viz.

THOU shalt behave thy self in the Office of Attorney, *Attornies Affirmation,* within the Court, according to the best of thy Learning and Ability, and with all good Fidelity, as well to the Court as to the Client: Thou shalt use no Falshood, nor Delay any Person's Cause for Lucre or Malice.

And be it further Enacted by the Authority aforesaid, That from and after the Publication of this Act, The Wages of this present Assembly, and of all succeeding Assemblies, shall be *Eight Shillings per Diem*, for the Speaker, and *Five Shillings per Diem*, for each of the other Members. *Assembly Men's Wages.*

Chap. 258. *A Supplementary ACT to an Act, Entituled, An Act to prevent the Eportation of Flour not merchantable. Supplied.*

CHAP. CCLIX.

A Supplement to the ACT, Entituled, An ACT for the making good Beer, &c.

WHEREAS by an Act of this Province, made in the Eighth Year of the Reign of King *GEORGE*, Entituled, *An Act for the Making good Beer, and for the Consumption of Grain in this Province*, Prohibiting the Use of Melasses, course Sugar, or Composition or Extract of Sugar, Honey, Foreign-Grains, Guinea-Pepper, or any Liquor boiled up to the Consistancy of Melasses, &c. in the Brewing, Making or Working of any Beer or Ale. And forasmuch as the good Design and Intent of the said Act is or may be frustrated and eluded, by the Brewer or his Servant secretly and clandestinely aiding and assisting in the Using Melasses, &c. as aforesaid, in Manner aforesaid: For Prevention thereof,

Be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General-Assembly met, and by the Authority of the same, That every such Brewer, by himself, Servant or other Person, concerned in Brewing Strong-Beer or Ale for Sale, before they are admitted or Liscenced, shall be qualified by Oath or Affirmation according to Law, That he or she will not, directly or indirectly, to his or her Knowledge, Privity or Consent, use any of the said Ingredients in the Making, Brewing or Working of such Ale or Beer, or put any therein, either before or after the Brewing thereof, under the Pains and Forfeitures mentioned in the said recited Act; which said Qualification shall be taken by all Persons, who shall brew Strong-Beer or Ale for Sale, in the open Sessions of the Peace, within the City or County where they respectively follow their Trades, under the Penalty of Five Pounds: And the Justices of the said Sessions shall cause the same to be entered on Record according to the Direction, and under the Penalties of the before recited Act.

Brewers to take Oath or Affirmation to use no Melasses &c. in Brewing Strong Beer for Sale.

Collectors to take the Brewers Bonds and Securities.

And be it further Enacted by the Authority aforesaid, That the Collector of the Excise, for the Time being, shall take the

the Bonds and other Securities to be given by the said Brewers in this and the said recited Act, for the Uses in the said recited Act mentioned, and demand for the same such reasonable Allowance, as in the said recited Act is appointed, any Thing in this, or in the said recited Act to the Contrary hereof in any wise notwithstanding.

Collectors to take the Brewers Bonds and Securities.

CHAP. CCLX.

An ACT for establishing a Ferry over the River Schuylkil, at the End of the High-Street of Philadelphia,

FOR the greater Conveniency of the Inhabitants on the *West-Side* of the River *Schuylkil*, traveling to and from the City of *Philadelphia*, Be it Enacted by Sir William Keith, *Part. Governour*, of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the *Free-men* of the said Province, in General Assembly met, and by the Authority of the same, That the Mayor and Commonalty of the said City of *Philadelphia*, may and shall at their own proper Cost and Charge within Eighteen Months after the Publication of this Act, make or cause to be made a sufficient Cause-Way and Landing at the End of the said High-Street of *Philadelphia*, on both Sides of the said River, and shall keep and maintain the same in good Repair, fit for Footmen, Horses and Carts to pass and repass, and also provide and maintain a good and substantial Ferry-Boat or Boats, and capable Ferry-Men, who shall reside and dwell on the *West-Side* of *Schuylkil-River*, and duly and constantly attend the same, as Occasion may require.

Mayor and Commonalty to erect a Ferry at the end of High-street.

And for the Support of the said Ferry, Be it further Enacted by the Authority aforesaid, That the said Mayor and Commonalty, and their Successors by their Deputies or Officers to be appointed for that Purpose, shall receive and take for Ferriage over the said River, of all Persons (the Proprietor and Governour and their Attendance only excepted) the several following Rates and no more, That is to say,

For each Person, *One Penny*.

For each Horse loaded or unloaded, *One Penny*,

For a Coach or Charriot, *One Shilling*.

For a Chaise of Four Wheels, *Six Pence*.

The Rates of Ferryage.

For a Chaife of Two Wheels, *Four Pence.*

For a Cart or Waggon with their Loading, *One Shilling.*

And without Loading, *Six Pence.*

For a Sled loaded or unloaded, *One Penny.*

Besides the aforesaid Rates for each Horse belonging to, and Person accompanying such Coach, Chariot, Chaife, Cart or Waggon or Sled.

For every Cow or other neat Cattle, boated or swam, *Three Half-pence.*

For every live Sheep, *One Half-penny.*

And for every Hog or Swine, *One Penny.*

None to keep a Ferry between Roaches and Blunston's.

And for the better Encouragment of the said Ferry, *Be it further Enacted by the Authority aforesaid,* That no Person or Persons whatsoever shall keep or use any Boat or Canoe for transporting any Person or Persons Creatures or Carriages, for Hire or Pay over the said River, in any other Place between those Ferries now called *Roach's* and *Blunston's* Ferries, on the said River, besides the Ferry hereby established, under the Penalty and Forfeiture of *Twenty Pounds*, lawful Money of this Government, for each Offence to be recovered in any Court of Record of this Province, one Half thereof to the Use of the Informer or Prosecutor who shall sue for the same, and the other Half to the Use of the Mayor and Commonalty of the said City, wherein no more than one Imparlance shall be allowed.

Provided nevertheless, That nothing herein contained shall be deemed or adjudged to annul or make void any Contract made between the said Corporation and any Person or Persons whatsoever, in Relation to the said Ferry, but that the said Contract is hereby declared as good and effectual to all Intents and Purposes as before the Enacting of that Law.

CHAP. CCLXI.

An ACT for the better and more effectual putting in Execution an Act of Assembly of this Province, Entituled, An ACT for the Emitting and Making current Fifteen Thousand Pounds in Bills of Credit.

WHEREAS some Doubts have arisen, That by the Purport and Direction of the said Act, the Trustees of the General Loan-Office of this Province, are restricted from

from Loan of the said Bills on Mortgage of Lands and Houses, subject to any former or other Incumbrances whatsoever; and the Persons offering to Mortgage, are hereby required to declare, on Oath or Affirmation, *viz.* That the Lands, Houses and Ground-Rents are free and clear from any other or former Gift, Grant, Sale, Mortgage, or other Incumbrance to his or her Knowledge.

And inasmuch as all or most of the Lands purchased of the Proprietary of this Province, are held of him, his Heirs and Assigns, under certain Rents and Reservations; and many of the Houses and Lots of Ground in the City of *Philadelphia*, and divers other Parts of this Province are subjected to Rents and Reservations thence issuing to divers Persons, with Clauses and Covenants for securing the same Rents.

And inasmuch as many well-meaning People in this Province, called *Quakers*, who conscientiously scruple to take the Affirmation in the usual Form, are debarred by the said recited Act from taken up of the said Bills of Credit, as hereby directed; by Means of all which Matters and Things before recited, the good Ends intended by the said recited Act, are in a great Measure obstructed. For Remedying whereof for the Future,

Be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General-Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered upon Loan of the said Bills, to accept in Mortgage any Messuages, Lots, Lands or Tenements in this Province of all Manner of Persons whatsoever who have therein an indefeazible Estate of Inheritance in Fee-Simple, tho' the same Messuages, Lands or Tenements to be held under or subject to any Reserve, Quit-Rent, Ground-Rent, or other incumbent, annual, half-yearly or quarterly Payment, whatsoever thence issuing: But before the Trustees shall accept of any Mortgage of any Messuages, Lands or Tenements, so incumbered with any Rent or Rents, they shall inform themselves of the clear Value of the same Messuages Lands and Tenements, over and above the Value of the Rent (not reckoning the said Rents at more than Twenty, nor less than Twelve Years Purchase,) and shall let out upon Loan to the Mortgagor one Third Part of the clear Value aforesaid to the best of their Judgment, in Bills of Credit, on Security of the same Messuages,

Trustees to accept of Estates in Mortgage, tho' incumbent with Ground Rents, &c.

Trustees to inform themselves of the clear Value of Lands not reckoning the Rent at above 20 nor under 12 Years Purchase.

Lands and Tenements, at the same Rate of Interest, for the same Term, in the same Manner and Form, subject to the same Proviso'es and Conditions, and to and for the Ends, Intents and Purposes, as by the said recited Act is directed and appointed concerning other Houses, Lands, Rents or Hereditaments.

Provided nevertheless, and be it further Enacted by the Authority aforesaid, That where any Person, being a Quaker, doth Scruple to take an Affirmation in the usual Form, he or she shall be admitted by the said Trustees to Mortgage upon his or her solemnly or sincerely declaring to be true, That he or she is seized of the Lands, Houses or Ground-Rents so offered to be mortgaged, at the Time of Executing the Mortgage-Deed, in his or her own Right, to his or her own Use, and not in Trust; and that free and clear of any Gift, Grant, Sale, Mortgage, Arrearages of Ground-Rent, and all other Incumbrances to his or her Knowledge (the Proprietary's Quit-Rents other Ground-Rents then to accrue and discovered to the said Trustees only excepted,) And the same Exception shall be admitted by the said Trustees to all Persons Mortgagors, Swearing or Affirming in the usual Form, as required by the said recited Act, any Law, Usage or Custom to the contrary notwithstanding.

Any Quaker scrupling the affirmation in the usual Form to be admitted to Mortgage, by sincerely declaring that he or she is seized of the said Lands, &c

On Default of Payment the Trustees to sue forth and prosecute Actions of Debt against the Mortgagers.

Provided also, and be it further Enacted by the Authority aforesaid, That at any Time or Times after any Default shall happen to be made, in Payment of any Sum or Sums of Money, by any Mortgagor or Mortgagors, according to the Direction of the said recited Act; or in the more especial Form and Manner specified in the Deeds of Mortgage respectively (whether the same Deeds have been already made and executed, pursuant to the same Act, or shall hereafter be so made and executed) it shall and may be lawful to and for the Trustees of the General Loan-Office aforesaid, to sue forth and prosecute any Action or Actions of Debt, for Recovery of the Mortgage Monies, or any Part or Parcel thereof, either upon Bond, (where Bonds have been or shall be taken for Performance of the Covenants contained in the Mortgage-Deed) or otherwise, as the Trustees shall think fit, to the Uses, Intents and Purposes mentioned and appointed by the said recited Act.

And whereas by a Clause in the said recited Act, it is Enacted, viz. That the Sum of *Two Hundred Pounds*, in the Bills aforesaid, are to be delivered into the Hands of the Treasurer of the County of Bucks, and the further Sum of *Three Hundred Pounds* in the said Bills, into the Hands of

of the Treasurer of the County of *Chester*, to be applied by the respective Treasurers of the several Counties aforesaid, in such publick Services as in the same Act mentioned: But inasmuch as the Monies will not be wanted for those Services for a considerable Time; and to the End that a Circulation of the said Bills may be more speedily promoted: Therefore,

Be it further Enacted by the Authority aforesaid, That the Representatives in General Assembly of the said respective Counties, shall receive of the respective Treasurers of the same Counties, so much Monies in the Bills of Credit so delivered, or to be delivered, pursuant to the said Act, (which the Treasurers are hereby required to pay pursuant to Orders of Assembly) as will amount to discharge the Assembly-Men's Wages of the respective Counties now due, or to become due during this present Session of Assembly.

*Assembly - Men's
Wages of the Coun-
ties of Bucks and
Chester to be paid
out on the Bills of
Credit received by
the said County Treasurers.*

AT a general Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Tenth Year of the Reign of our Sovereign Lord *George* King of *Great-Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Twenty Three, and continued by Adjournments till the Twelfth Day of *December* following: On which Day the following Acts were passed by *William Keith*, Bart, Governour of the said Province, That is to say.

CHAP. CCLXII.

An ACT for the Emitting and Making Current Thirty Thousand Pounds in Bills of Credit.

Preamble

WHEREAS by Virtue of an Act of Assembly of this Province passed in the Ninth Year of His present Majesty's Reign, Bills of Credit for *Fifteen Thousand Pounds* were struck and Emitted, which being found by Experience to fall far short of a sufficient Medium in Trade, and could not supply the wants of such as then had, and still have Occasion to borrow upon the Securities prescribed by the said Act. Therefore that those Deficiencies may be supply'd, and a further Provision made for Support of this Government, May it please the Governour That it may be Enacted,

*Bills of Credit for
3000 l.*

And be it Enacted by Sir William Keith, Bart. Governor of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid, in General-Assembly met, and by the Authority of the same, That Indented Bills of Credit, to the Value of *Thirty Thousand Pounds* Current Money of *America*, according to an Act of Parliament made in the sixth Year of the Reign of the late *Queen Anne*, Entituled, *And Act for ascertaining the Rates of Foreign Coins in her Majesty's Plantations in America*, Shall be made and prepared before the first Day of the Month called *March* next, which Bills shall severally contain therein the Sums hereafter respectively mentioned and no other, That is to say, *Eighteen Thousand* of the said Bills the Sum of *Twenty Shillings* in each of them. *Eight Thousand* of the said Bills, the Sum of *Fifteen Shillings* in each of them. *Five Thousand* of the said Bills the Sum of *Ten Shillings* in each of them. *Six Thousand* of the said Bills, the Sum of *Five Shillings* in each of them. *Six Thousand* of the said Bills, the Sum of *Two Shillings* and *Six Pence* in each of them. *Six Thousand* of the said Bills, the Sum of *Two Shillings* in each of them. *Four Thousand* of the said Bills, the Sum of *Eighteen Pence* in each of them. And *Seven Thousand* of the said Bills, the Sum of *One Shillings* in each of them.

Contents and Number of the Bills.

And the Trustees hereafter named shall (at the Charge of this Province, to be defray'd and paid in Bills of Credit) cause and procure the said Bills to be Made and Printed upon good Paper or Parchment, in the Form following and not otherwise, viz.

This



THIS Indented Bill shall
pass Current for ----- in
all Payments according to
a Law of Pennsylvania. Dated
the ----- Day of ----- in the
Year of our Lord One Thousand
Seven Hundred and Twenty Three.

The Form of the
Bills.

Which Bills shall be Signed and Numbred by *Francis Rawle, Anthony Morris, Charles Read and Samuel Hudson*, or a Majority of them. And the Sums of Money that every of the said Bills is to pass for, shall be printed at the Top of each Bill in Words at length, with the Arms of *Pennsylvania* on the left and the Signer's Names Subscribed on the other side thereof.

Signers Names.

And that the Counter-Parts of all the said Bills shall be likewise printed and shall be Numbred by the Signers, who shall Deliver the same unsigned to the said Trustees, for the Time being, at the General Loan-Office hereby intended to be Erected, where they shall remain in Books kept for that Purpose, under the Care and Charge of the said Trustees, for the trying the Truth of the Original Bills, whensoever there shall be Occasion. And the same Bills shall be so fashioned as may render them less lyable to be counterfeited or fraudulently resembled, by putting the Figure or Shape of a Crown in *Five Shillings* Bills two Crows in *Ten Shilling* Bills, three Crowns in *Fifteen Shilling* Bills, and four Crowns in *Twenty Shilling* Bills. And the said Signers shall also deliver to the said Trustees at the said Loan-Office the Original of all the said Bills so made-forth, numbred and signed as aforesaid, not exceeding the Number herein before respectively limited and appointed (taking the said Trustees Receipts for the same, and Charging them respectively with the Monies contained in the Bills so Delivered, in order to be lent out as herein after directed) and the said Signers shall cause to be kept a true Account of all the said Bills by them signed and delivered to the Trustees as aforesaid, and for their Trouble, Care and Diligence in doing what is required of them by this Act, they shall receive *Thirty Five Pounds* a piece, payable to each of them his Executors, Administrators or Assigns, in Bills of Credit to be delivered to them by the said Trustees, within Six Days after they deliver the said Bills and Counter-parts in the Loan-Office as aforesaid.

Counterparts of
the Bills to be Num
bred by the Signers
and delivered to the
Loan-Office.

Signers to keep
Account of the Bills
Delivered.

Their Salary

But

But before the said Persons hereby appointed, or hereafter to be appointed by Virtue of this Act, to be Signers of the said Bills of Credit, presume to act therein, They shall take an Oath or Affirmation, before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby empowered and required to administer the same, charging them jointly and severally, That they will well and truly Number Sign and Deliver all the said Original Bills of Credit, And truly Number and Deliver all the Counter-parts of the same Bills, and keep a true Account of what Bills they Sign and Deliver, with the Counter-parts thereof, according to the Direction of this Act.

Signers to take an Oath or Affirmation.

And be it further Enacted by the Authority aforesaid, That Samuel Carpenter, Jeremiah Langborne, William Fishbourn and Nathaniel Newlin, shall be and are hereby nominated and appointed Trustees Names. *for the holding and ordering of the said General Loan-Office, and for the Receiving and Issuing the said Bills of Credit, and taking Securities for the same; and for the directing, managing and performing all other Matters and Things hereby enjoined and required to be done and transacted by them in the said Office, and relating to the said Bills of Credit, according to the Direction and true Meaning of this Act.*

How to be chosen in Case of Death or Removal.

And if any of the said Trustees shall happen to dye or be removed for Mis-feazance, or for not acting, it shall be lawful for the Assembly of this Province, from Time to Time, during the Continuance of this Act, to elect and appoint some other fit Person or Persons in the Place or Places of such Trustee or Trustees so dying, mis-behaving or refusing, as aforesaid. But if no Assembly be then Sitting, it shall be lawful for such of the Trustees as survive and act, to choose others to supply such Vacancies until the Assembly sits: And that the Trustee and Trustees, so from Time to Time elected and appointed, shall have the same Power and Authority as if they had been nominated and appointed by this Act.

How Trustees are to be Seised.

Made capable to receive and hold Lands, &c. in Security for Money lent

And that the Persons now or hereafter appointed Trustees by Virtue of this Act, shall be stiled, *The Trustees of the General Loan-Office of the Province of Pennsylvania*, and by that Name shall have Succession, during the Continuance of this Act, and by the Name aforesaid, shall be able and capable in Law, to receive, take, hold, enjoy and retain to them and their Successors in the said Trust, all such Lands, Tenements, Rents and Hereditaments, and all such Plate as shall be granted them in Mortgage for securing the Re-payment of such Sums of

of

of Money as they shall, from Time to Time, lend and Issue in the said Bills of Credit, and also to Sell, Grant, Alien and Dispose of the same in default of Payment, as in and by this Act is provided and directed in those Cases, and by the same Name to sue and implead, be sued and impleaded, answer and be answered, in all Cases relating to the said Trust, in all Courts and other Places whatsoever; and by the Name aforesaid, to do and execute all other Matters and Things that to them shall or may appertain to do and perform, pursuant to this Act, subject to the Provisoes, Restrictions and Limitations herein express'd

Made capable to receive and hold Lands &c. in Security for Money lent. And to sell the same in default of Payment. And to sue and be sued.

And that the said Trustees, for the Time being or any three of them, shall duly attend at the said Loan-Office, every Third and Fourth Day, commonly called *Tuesday* and *Wednesday* in every Week, until all Demands for borrowing Money in the said Loan-Office be answered, and afterwards at such Times as their Trust and Service of the Publick may require them during the Continuance of this Act.

Trustees to attend at Loan-Office.

And such of the said Trustees as shall undertake and execute the said Trust, shall be allowed for their Service and Trouble therein, after the Rate of *Twenty Pounds per Annum* apiece, added to the *Fifty Pounds per Annum*, allowed them as Trustees, For Emitting the said *Fifteen Thousand Pounds*, during the Continuance of that Act, and after the Expiration thereof the Sum of *Seventy Pounds per Annum*, apiece during the Continuance of this Act, payable to each of them his Executors, Administrators or Assigns, in the said Bills of Credit, during the Continuance of their Trust.

Trustees Salary.

But the said Trustees before they receive the said Bills, or enter upon the Execution of their said Trust, each of them shall enter into Bond to the Provincial-Treasurer, for the Time being, in the Penalty of *One Thousand Pounds* each, Conditioned for the due Observance of all Things required of them by this Act, and the true Performance of the Trust hereby reposed in them, and shall also take an Oath or Affirmation before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same, in these Words, *To wit.*

Trustees to give Bonds to Provincial Treasurer.

And take an Oath or Affirmation.

I A. B. will, according to the best of my Skill and Knowledge, faithfully, impartially and truly demean my self in the Discharge of the Trust committed to Me, by an Act of General Assembly of this Province, Entituled, An Act, for the Emitting and Making current *Thirty Thousand Pounds*

Trustees to Receive into the Loan-Office Bills and Counter parts. in Bills of Credit, according to the Purport and Tenor of the said Act, so as none may be prejudiced by my Consent, Privity, or Procurement.

And give Receipts and keep Accounts of the said Bills &c. And be it further Enacted by the Authority aforesaid, That the said Trustees, after they are so qualified, shall receive into the said Office all such and so many of the said Bills of Credit and Counter-parts thereof from the said Signers, as they may have Occasion to lend out, from Time to Time, and thereupon shall give their Receipts for the same, and keep true Accounts as well of the said Bills which they respectively receive and issue out, as also of the Money and Bills which they shall actually receive and pay, pursuant to this Act: To which several Accounts the Committee of Assembly hereafter appointed to audit the said Trustees Accounts shall have free Access at all seasonable Times, to the End they be satisfied that the Sums for which Bills may be issued pursuant to this Act, is not exceeded, and may be acquainted, from Time to Time, with the State of the whole Transactions and Affairs relating to the said Office.

The Trustees to lend 26500 l. of the said Bills on Land Security.

And forasmuch as the chief Intent of appointing the said Trustees, is in order to enable them to lend the said Bills on Securities of Lands at low Interest; therefore,

It is further Enacted by the Authority aforesaid, That the said Trustees shall lend out the Value of *Twenty Six Thousand Five Hundred Pounds*, of the said Bills, on Land Securities at the Interest of *Five per Cent per Annum*, for the Term of Twelve Years and a Half, from the Date of the said Bills, in Sums not exceeding *Two Hundred Pounds*, nor less than *Twelve Pounds Ten Shillings*, to any one Person.

The said Bills to pass in all payment

Which said Bills so lent shall pass in all Payments from any Person or Persons, to any other Person or Persons, and shall be deemed to be good Payment for Debts, Rents, Goods, Chattles, Plate, Bargains, Sales, Specialties, Bonds, and all other Demands whatsoever, as if the same were paid in the Coins mentioned, and at the full Rates ascertained in and by the said Act of Parliament, and shall be as effectual a Bar of such Suits or Actions as shall be brought for such Debts or Demands, as if the Money had been paid at the Day and Place according to the Condition, Defeazance or Contract, and had been so pleaded; and the Tenders and Refusal, or not receiving of the said Bills shall be available and conclusive in Law and Equity, as if such Tenders were in the said Coins, or in the current Coins of *England*, or in any other Coin or Specie mentioned in the Contracts upon which any such Tenders are made. And

Tenders and Refusal or not Receiving said Bills to be conclusive.

And if at any Time pending an Action upon any Bond or other Writing obligatory, the Defendant shall bring into Court, where the Action shall be depending, all the Principal Money and Interest due on such Bond or Writing, with all the Costs that have been expended in any Suit or Suits in Law or Equity, upon such Bonds or Writings, the said Money or Value thereof in the said Bills of Credit hereby made Current, so brought into Court and offered at the Value and Rates set upon them by this Act, shall be deemed and taken to be in full Satisfaction and Discharge of the said Bond or Writing, and the Court shall forthwith give Judgment to discharge every such Defendant, off and from the same accordingly.

About bringing the Principal and Interest brought into Court,

And for the better Discovery of Incumbrances which may affect the said Securities, it shall be lawful for the said Trustees and such as they shall appoint, from Time to Time, to make Searches in any Office in this Province, and if there be Occasion, take Copies or Transcripts of the Dockets or Notes of any Extents and Judgments, or of Mortgages and Entails kept in any of the said Offices, without paying any Fee or Reward for the same.

Searches to be free.

And to the End said Trustees may be the better enabled to perform their said Trust, they shall inform themselves as well of the clear Value, as of the Titles of all the Lands, Houses and Ground-Rents which shall be proposed in Security for the said Bills, so as to be satisfied that the said Lands and Ground-Rents are at least double the Value, and Houses treble the Value of the Sums requested to be lent, and then they shall receive and take the same in Mortgage accordingly.

Trustees to Inform themselves of the clear value and Titles of Land &c. proposed in security,

Provided, That upon all the Loans hereby intended, the Trustees shall take Care that the Borrower has an indefeasible Estate in Fee-Simple in the Lands, Tenements, Rents and Hereditaments by him proposed to be mortgaged; and that they are free from former Sales, Gifts, Grants, Mortgages, Entails, and all other Incumbrances, (except the Proprietary's Quit-Rents, or other Rents issuing out of the same.

But before the Trustees shall accept of any Mortgage upon Messuages, Lands or Tenements, subject to the Payment of such Quit-Rents, Ground-Rents, Rent-Charge, or other annual Payments, they shall duly consider, and according to the best of their Skill, find out the clear Value thereof, not reckoning the said Rents at more than Sixteen, nor less

than Ten Years Purchase, and shall let out upon Loan to the Mortgager one third Part of the Value aforesaid in Bills of Credit at the Interest, and for the Term aforesaid.

The Person offering Lands &c. in Mortgage, shall take Oath or Affirmation.

And that the Person offering any of the said Houses, Lands, Ground-Rents or Rent-Charge to Mortgage for any of the said Bills, shall, at or before the Time of executing the Deed of Mortgage, declare upon Oath or solemn Affirmation in the usual Form: But in Case that be scrupled, then in the Form (allowed by a late Act of Parliament to the People called *Quakers* in *England*,) which the Trustees, or any one of them, are hereby impowered and required to administer, That he or she is really seized of the Premises, in his or her own Right and to his or her own Use, and that the same were not conveyed to him or her in Trust for the Use of any other Person, nor with Intent to raise any Sum or Sums of Money upon the same, by Way of Loan or otherwise, for the Use of any other Person or Persons whatsoever, and that the Lands, Houses and Ground-Rents, or Rent-Charge, mentioned in the Deed by him or her to be executed, are free and clear from any former or other Gift, Grant, Mortgage, or other Incumbrance, to his or her Knowledge, (excepting the Proprietary's Quit-Rents or other Charges, appearing in his or her Deeds then produced) which Oath or Affirmation shall be endorsed on the Back of the Mortgage, with the Day and Year of the Caption thereof, for which the Clerk shall receive *Six Pence*, and no more.

Trustees shall take and receive Deeds of Mortgage in Fee Simple.

And for securing the Payment of the Sums or Value so lent as above directed, the said Trustees, or any Three of them, shall, in Pursuance of the Trust hereby reposed in them, and as Trustees of the General Loan-Office aforesaid, and not otherwise, take and receive Deeds of Mortgage in Fee-Simple for what they lend; which being executed and acknowledged or proved, as herein after directed, shall transfer the Possession of the Lands, Houses and Hereditaments thereby granted, to the said Trustees; and vest the Inheritance thereof in them and their Successors, as fully and effectually as Deeds of Feoffment, with Livery and Seizin, or Deeds enroll'd in any of the King's Courts at *Westminster*, may or can do in *England*. In all which Deeds, the Words [*Grant, Bargain and Sell,*] shall amount to, and be construed and adjudged, in all Courts of Judicature, to be express Covenants to the said Trustees, their Successors and Assigns, from the Bargainer or Mortgager, for himself, his Heirs, Executors and Administrators, that the Mortgager, notwithstanding any Act done by him, was, at the Time of the Execution of such Deed, seized

The general Words in Mortgages, shall be construed as particular Covenants.

seized of the Hereditaments and Premises thereby granted of an indefeazible Estate in Fee-Simple, free from all Incumbrances, (Rents due to the Lord of the Fee, with the other Rents and Reservations contained in their respective Deeds only excepted.) And for quiet Enjoyment thereof, against the Mortgager his Heirs and Assigns, and all claiming under him or the former Owners thereof: And also for a further Assurance to be made by the Mortgager his Heirs and Assigns, as the Case may require; so that those express Covenants are not to be set down at large in any of the Mortgages, but that the said Trustees, and their Successors in the said Trust respectively, shall and may, in any Action to be brought, assign Breaches thereupon, as they might do in Case such Covenants were expressly inserted in such Deeds.

Mortgages to be entered in Books &c.

An attested Copy thereof to be matter of Record.

And that all the said Mortgages or defeazible Deeds, being sealed and delivered to the said Trustees, or some of them, in Presence of Two or more credible Witnesses, and proved or acknowledged before any Justice of the Peace in this Province, shall be fairly entered at the Charge of the Mortgagers, in large Books to be for that Purpose provided and kept by the said Trustees, as herein after directed; an attested Copy of any of the said Deeds so entered and certified under the Hands of the said Trustees, for the Time being, or any Three of them, shall be, and is hereby declared to be Matter of Record, and shall be good Evidence to prove the Sale or Mortgage thereby mentioned to be made.

And the said Trustees shall, at their own proper Costs and Charges, provide the said Books, of Royal or other large good Paper, well bound and covered, wherein shall be recorded all the said Deeds of Mortgage, given in Security for the said Bills of Credit to be lent out as, aforesaid.

Trustees shall chuse a Clerk.

And for the more regular Management of the Affairs relating to the said Office, the Trustees are hereby empowered to choose and employ a fit and able Person (for whom they shall be answerable) to serve them, as Clerk of the said Office, during their Pleasurer; who for recording every one of the said Deeds shall have the Sum of *Four Shillings*, and for every attested Copy thereof *Four Shillings*, and no more; and for every mortgage Deed that he draws, the Sum of *Eight Shillings*, and no more; which said Sums are to be paid by the Mortgager, his Heirs Executors or Administrators, in full Satisfaction of all Fees and Charges, demandable by the said Clerk, for drawing, ingrossing and recording the said Deeds, and inspecting the Title of the Lands and Premises thereby mortgaged.

And

The Clerk to prepare Bond and Warrant of Attorney, &c.

Release of Errors,

The Clerk to be qualified.

And the said Clerk shall also prepare a Bond of double the mortgage Money, for every Mortgager to execute, along with their respective Deeds of Mortgage, Condition for the Payment of the Money borrowed, with the Interest, according to the Proviso or Condition contained in every such Deed of Mortgage: And shall also prepare a Warrant of Attorney to be, at the same Time, signed and sealed by every Mortgager, empowering such Person or Persons as the Trustees shall nominate and appoint, to acknowledge or suffer Judgment, which they the said Trustees are hereby required to cause their Attorney to enter in due Form of Law, in the Court of Common-Pleas, for the proper County, against such Mortgager as shall make Default in the Payment of the mortgage Money or any Part thereof, according to the Direction of this Act, and Times of Payment specified in the Proviso contained in his Mortgage Deed, either in Actions of Ejectment, to gain the Possession of the mortgaged Premises, or in Actions of Debt to be brought upon any of the said Bonds, for Non-performance of the Conditions thereof, or in such Actions of Debt as the said Trustees are hereby required to bring for the Value of these Bills of Credit, which happen to be received by the Mortgagers, whose Title to the Lands, Tenements or Hereditaments by them mortgaged, shall prove defective, together with the Interest hereby allowed upon such Loans and Costs of Suit. And the said Clerk shall also insert a Release of Errors in every of the said Warrants of Attorney; and for the said Bonds, Warrants of Attorney, and Release of Errors, the said Clerk shall have *One Shilling and Four Pence* each, and no more.

But before any Person, so chosen to be Clerk, shall enter upon the Execution of his said Office, he shall take an Oath or Affirmation, before some Justice of the Peace, of the City or County of *Philadelphia*, who is hereby empowered and required to administer the same, in these Words,

I A. B. shall truly and faithfully perform and execute the Office and Duty that is directed and required of me, according to a Law of this Province, Entituled, An Act for Emitting and Making Current, *Thirty Thousand Pounds*, in Bills of Credit; and that I will keep a just and true Account of the Names of all such Persons as shall apply to the said Office for Bills of Credit, and will Prepare and Record their Deeds of Mortgage in the same Order of Time as their applications are made, without any undue Preference, unnecessary Delays or fraudulent Practice.

And

And be it further Enacted by the Authority aforesaid, That the said Sums of Money, so lent upon Mortgage, shall be paid in again, with the annual Interest, in the said Bills of Credit, or in current Money of *America*, (or in any other Bills of Credit made Current by a Law of this Province) to the Trustees of the General Loan-Office aforesaid, in Manner following, That is to say, One twelfth. Part and Half, of the said Sum borrowed, with the whole Interest of *Five per Cent per Annum*, shall be annually paid by the Mortgager, his Heirs, Executors or Administrators, to the said Trustees, who shall indorse the Sum received, both Principal and Interest, upon the Back of the Mortgage Deed, and for each Indorsement, made in Manner aforesaid, they shall be paid, by the Mortgager, the Sum of *Six Pence*, and no more.

How the Money lent shall be paid in.

And each Payment endorsed on the Mortgage Deed.

And at the last Payment of the said Money and Interest, the said Mortgage shall be releas'd and delivered by the said Trustees, from which Time the said Lands, Houses and Ground-Rents so mortgaged or engaged, shall be forever clearly acquitted and discharged; and the said Trustees shall make an Entry, in the Margin of the Enrolment of the said Mortgage, of the Day and Year of such Discharge and Release, for which they shall be paid by the Mortgager the Sum of *Six Pence*, and no more, An attested Copy of which Entry of the said Discharge or Release of such Mortgages signed by the Majority of the said Trustees, for the Time being, shall be as valid and effectual in Law, as their Re-conveyance of the mortgaged Premises, made and executed in the usual Form, can be to the Mortgagers their Heirs and Assigns.

How the Mortgages are to be released at the last Payment.

Provided always, That if any Part of the said *Thirty Thousand Pounds*, be remaining in the said Office, at the End of Eight Months next ensuing the Date of the said Bills, and not taken out upon Loan, it shall be lawful to and for the said Trustees to lend out the same to any Person or Persons, in the same Manner, and upon the like Securities, as herein before directed, concerning other Loans, so as the whole Sum thence forth to be advanced or lent to any one Person, exceed not the Value of *Five Hundred Pounds* in the Whole.

500 l. may be lent out of the Loan Office to one Person after 8 Months.

Provided also, and be it further Enacted by the Authority aforesaid, That untill some Default shall be made by the said respective Mortgagers, of or in Payment of the Mortgage Money, or some Part thereof, it shall be lawful for them and their Heirs to hold and enjoy the mortgaged Premises with the Appurtenances; any Thing in the Deeds of Mortgage, or in this Act contained, to the Contrary notwithstanding.

The Mortgager to keep quiet Possession until Default made.

But

*The Trustees upon
Default to sell the
mortgaged Premises.*

*No Redemption of
the same.*

*Sheriffs, Sale not
to be avoided or re-
leased.*

*No Estate shall
go to the Vendee but
what shall appear,
to be Mortgaged.*

*Trustees to let out
Money on Plate Se-
curity.*

But if Default shall be made or suffered by any of the said Mortgagers, their Heirs, Executors, Administrators or Assigns, of or in Payment of any of the said yearly Payments or Sums, whether in Part of the Principal or Interest, which they, or any of them should have paid on the Days and Times and in Manner and Form, as in and by their respective Deeds of Mortgage, shall be specified, it shall and may be lawful to and for the said Trustees, for the Time being, at their Discretion, either to take their Remedy by Course of Law as herein above directed, and proceed to take the mortgaged Lands and Hereditaments in Execution, as for other Debts; or within two Months next after the Days whereon the same ought to be paid, according to the several Provisoes or Conditions in Deeds respectively contained, to enter upon the Lands, Houses, Rents and Hereditaments in the same Deed Specified, and expose the same to a publick Sale; and thereupon sell and convey the same Lands, Hereditaments and Premises to the best Purchaser, and out of the Money arising by such Sale, detain and keep the Monies to them due thereon, and all Costs and Charges relating thereto, returning the Over-plus (if any be) to the Owners of such Lands and Hereditaments; and that then, and in Case, the Owners of such Lands and Hereditaments, shall stand absolutely for-closed from all Equity of Redemption of the same.

Provided also, That if any of the said Judgments, which Warrant the awarding of any Writs for the Sale of the said Lands, Tenements or Hereditaments, shall at any Time hereafter be reversed, for any Error or Errors, then and in every such Case, none of the said Lands, Tenements or Hereditaments, so as aforesaid, taken or sold, or to be taken or sold, upon Executions, nor any Part thereof, shall be restored, nor the Sheriff's Sale thereof avoided.

And that no Sale, which shall be made by Virtue of this Act, shall be extended to create any further Estate to the Vendees than the Lands or Hereditaments so sold or delivered, shall appear to be mortgaged for, by the said respective Mortgages or defeazible Deeds.

Provided also, That it shall and may be lawful to for the Trustees of the Loan-Office aforesaid, or any Three of them, to let out upon Loan, in such Manner as they shall think best, any Sum of the said Bills of Credit, not exceeding the Sum of *Two Hundred Pounds*, to one Person, upon Security of good Plate, to be delivered to them at the Value of *Five Shillings* current Money of *America*, per Ounce, and at
the

the Interest of *Five per Cent. per Annum*, to be paid in again to the said Trustees, within the Space of twelve Months with the Interest aforesaid; and in Case of Non-payment, to sell and dispose of the said Plate, for the most it will yeild, returning the Over-plus (if any be) to the Owner thereof, after Payment of the Principal and Interest, with the Charges accrued thereupon.

And sell the same upon Defaults.

And whereas the Funds, provided for the Support of this Government, have proved Deficient, and diverse Sums, claimed as Debts, due from this Province, remain yet unpaid, therefore, *Be it Enacted by the Authority aforesaid*, That the Sum of *Thirteen Hundred Pounds*, in the said Bills of Credit, be delivered to the Provincial-Treasurer, for the Time being, who shall give his Receipt for the same; which Receipt shall be deemed, taken and allowed to be good and sufficient Discharge to the said Trustees, their Heirs, Executors and Administrators, for the Sums, in Bills of Credit, mentioned and contained in such Receipts; which said Bills, or so many of them as shall be needful, the said Treasurer shall forthwith apply to the paying and discharging the several Sums of Money due, and to be due, and owing by an Order of Assembly of this Province. And that the aforesaid Sum of *Thirteen Hundred Pounds*, hereby directed to be lent to the Provincial-Treasury, and the Sum of *Two Thousand Pounds* lent the said Treasury, in Bills of Credit last Year, shall be truly sunk as the Sum or Sums of Money due or to be due to this Province, from the Collectors of the Impost and Excise, and by *An Act for laying a Duty on Negroes imported*; and by *An Act for imposing a Duty on Persons convicted of heinous Crimes imported into this Province*, &c. and by an Act of this present Assembly for *laying an Excise on all Wine, Rum, Brandy and other Spirits, retailed in this Province*, are paid to the Provincial-Treasurer, for the Time being.

13th col. to the Provincial-Treasurer.

How to be apply'd.

How to be sunk.

And whereas the Assembly is given to understand on Behalf of the Commissioners and County-Treasurer of *Philadelphia*, that the said County is indebted for Arrears of Assembly-Men's Wages, and other Demands for carrying on and finishing the publick Buildings, which cannot be effected without an Addition to the last Year's Loan. And it being also represented by the Mayor and Recorder of the City of *Philadelphia*, that they want also to borrow Bills of Credit for the publick Service of the said City.

Be it therefore Enacted by the Authority aforesaid, That the Sum of *One Thousand Pounds*, in Bills of Credit, made

L 1

Current

1000*l.* lent to the
County of Philadel-
phia,

Current by this Act, be delivered by the said Trustees to the Treasurer of the said County of *Philadelphia*, who shall give his Receipt to the said Trustees for the same. And that the further Sum of *Three Hundred Pounds*, in the said Bills of Credit, be delivered by the said Trustees to the Mayor and Commonalty of the said City of *Philadelphia*, they giving their Receipts to the said Trustees for the same, and securing the Re-payment thereof, with Interest of *Five per Cent. per Annum*, by Obligation under their Common-Seal, to be given to the Trustees of the Loan-Office. And that the like Sum of *Three Hundred Pounds*, be delivered to the Treasurer of the said City, without Interest, for Four Years, to be by the Mayor and Commonalty, apply'd towards the Building and repairing of publick Wharffs and Bridges in the said City, they likewise giving their Receipts to the said Trustees for the same.

300*l.* to the City
upon Interest.

300*l.* to the City
without Interest, and
how applied.

And that the Sum of *Four Hundred Pounds*, in Bills of Credit, be delivered by the said Trustees to the Treasurer of the County of *Chester*, he giving his Receipt for the same: And that *Three Hundred Pounds*, thereof be applied towards building a Court-House at *Chester*, and the other *Hundred Pounds*, for making and repairing Bridges on the King's High-Road from *Philadelphia*, to *New-Castle*, and towards other publick Charges.

400*l.* to the Coun-
ty of Chester, and
how applied.

200*l.* to the Coun-
ty of Bucks.

And that the further Sum of *Two Hundred Pounds*, in Bills of Credit, be delivered to the Treasurer of the County of *Bucks*, he likewise giving his Receipt for the same.

And that the said several Sums so lent, and not hereby already appropriated to particular Uses, shall be applied to such publick Services as the said Mayor and Common-Council shall within the Limits of the said City, and the Commissioners and Assessors of the said Counties, shall, within their several Precincts, respectively order and direct. And that the said several Receipts shall be deemed and allowed to be good Discharges to the said Trustees, their Heirs Executors and Administrators for the Sums respectively mentioned therein.

How the same shall
be sunk.

Which said Bills shall be sunk, by such Proportions, as other Loans are in this Act appointed by Taxes to be laid for that Purpose, in the same Manner that County and City Levies are usually raised and levied, until all the said Bills of Credit so, as aforesaid, received on the Account, and for the Use of the said City and Counties respectively, be sunk in the Manner hereby prescribed for sinking Bills of Credit in the said Loan-Office, and as the said Act for emitting *Fifteen Thousand Pounds* in the like Cases directs. And

And whereas the true and regular sinking of the said Bills of credit will very much conduce to the keeping up the Value of the same,

Be it Enacted by the Authority aforesaid, That a Committee of the Assembly of this Province, shall once every Year, or oftner, as the Assembly shall think fit, be appointed to audit the Accompts of all the Monies so, as aforesaid, to be received by the Provincial-Treasurer, County-Treasurers, and Mayor of *Philadelphia*, together with the Sums of Money, in Bills of Credit, let out upon Loan to the Inhabitants of this Province, according to the Direction of this Act, and also the Sums of Money and Bills of Credit, received by the said Trustees from the respective Mortgagors their Heirs, Executors and Administrators; and shall, within one Week next after the said Accompts are so audited, affix Advertisements on the most publick Places of the City of *Philadelphia*, setting forth what Quantity of Money has been received, and is in the Hands of the Trustees aforesaid, over and above what will pay the Interest due to the Publick, for the Loan of the said Bills of Credit, let out upon Mortgage by Virtue of this Act, which Money shall by the said Trustees be given in exchange for Bills of Credit made current by this Act, to any Person or Persons bringing in the same. And the said Bills of Credit, received as Part of the Principal Sum lent out of the said Office in Manner aforesaid, and remaining in the Hands of the Trustees, shall within Ten Days after such Audit, be sunk and destroy'd in the Prefence of the Committee, who shall be appointed Auditors: They having first compared the said Bills of Credit with their Counter-parts, and entred into a Book to be kept for that Purpose, the Number and Value of each Bill of Credit, so sunk and destroy'd.

Committee of Assembly to audit the Accounts of the Loan-Office.

And certify by publick Advertisements how much in the Office.

How the yearly Quotas are to be sunk.

And that after the aforesaid Sum of *Twenty Six Thousand Five Hundred Pounds*, in the said Bills of Credit, ordered to be let out upon Loan by this Act, shall be accounted for by the said Trustees, and sunk according to the Direction of this Act, the aforesaid Trustees, their Heirs, Executors and Administrators, and every of them, shall from thence forwards stand and forever be clearly discharged and acquitted, of and from all and all manner of Security, and other or further Demands, to be had or made, for any Thing by them done in Discharge and Execution of the Trust reposed in them by this Act.

After the Sum accounted shall be sunk the Trustees are discharged.

Provided always, That if any Person or Persons, who shall take upon Loan, any of the said Bills of Credit, shall see

*Any Person Paying
at any Time the whole
Principal and Interest
and charges his Mort-
gage.*

Cause at any Time after the making the said Mortgage, and before the Forfeiture and Sale thereof, to pay down the whole Principal and Interest then due, in the like Publick Bills of Credit or current Money of *America*, upon his or her so doing, such Mortgage or Security shall be releas'd and delivered in the Manner before directed, and the Lands, Ground-Rents and Houses in the said Mortgage Deed contained and mortgaged, shall be forever discharged therefrom.

And it is hereby Declared and Enacted by the Authority aforesaid, That if any Sum or Sums shall be paid down, pursuant to this Clause, or to the like Clause in the said Act for emitting *Fifteen Thousand Pounds*, before or at other Days or Times of Payment, then what are or shall be mentioned or specified in the respective Mortgages, then, and in every such Case, it shall be lawful for the Trustees of the Loan-Office hereby, and by the said Act, erected respectively, and they are hereby required in the Presence of the Committee of Assembly, to sink such Part or Parts of the Principal Sums, due upon the said Mortgages, when such Payments are made as the said Acts respectively direct in other Cases, and thereupon emit or let out upon Loan all the Residue thereof; together with such other Sums as shall arise from the Sales of Estates forfeited and sold, pursuant to the said Accompts. All which Sums so emitted shall be secured and made payable, with the Interest of *Five per Cent per Annum*, at such Days and Times, and after such Manner, as in and by this, and the said other Act, is respectively limited, and not otherwise, so that the Payments be proportioned to the Time unexpired in the said respective Acts.

*And the Trustees
shall let out on Loan
the same,*

*Interest of Bills of
Credit to be disposed
of by the Assembly.*

And be it further Enacted by the Authority aforesaid, That the annual Interest received for the Loan of the said Bills of Credit, which shall be remaining in Money, in the Hands of the said Trustees, after the Accounts are audited, as aforesaid, and after Salaries and Charges allowed by this Act are deducted shall be disposed of, in such Manner, as the Assembly of this Province, shall, from Time to Time, think fit to order and direct.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, within this Province, shall, during the said Twelve Years and a Half, offer to sell or expose to Sale any Goods or Chattles, Lands or Tenements whatsoever, and deny or refuse to sell, or ask a greater value for the same, unless Payment be made in current Silver Money, Gold, Plate, Dollars, or other Specie whatsoever, and not in the said Bills of Credit,

dit (whereby the Credit of the said Bills may be impaired) Then, and in such Case, the Person so exposing to Sale and refusing, as aforesaid, shall, if the Goods or Chattles, exposed to Sale, be under the Value of *Five Pounds*, forfeit the Sum of *Thirty Shillings*, for each Offence, to be recovered before any Justice of the Peace, within this Province, upon the Oath or Affirmation of any Two Witnesses. And if the Value of the Goods or Chattles, Lands or Tenements be above *Five Pounds* and under *Fifty Pounds*, the Exposer to Sale shall forfeit the Sum of *Five Pounds*. And if the Goods or Chattles, Lands or Tenements be above the Value of *Fifty Pounds*, and under *One Hundred Pounds*, the Exposer to Sale shall forfeit the Sum of *Ten Pounds*. And if the Value of the Goods and Chattles, Lands or Tenements, be above *One Hundred Pounds*, the Exposer to Sale shall forfeit *Fifty Pounds*, to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit. The first two Forfeitures to be to the Use of any Person that shall sue for the same; the other two Forfeitures, the one Half to the Use of such Persons as shall sue for and prosecute the same with Effect, the other Half to the Governour to be applied towards the Support of the Government of this Province, any Law, Custom or Usage to the Contrary in any wise notwithstanding.

Penalties on Persons offering Gold or Silver for Sale of Gold than said bills

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to Forge or Counterfeit, or be aiding or Assisting in Forging or Counterfeiting any of the said Bills of Credit, or utter or cause to be uttered or offered in Payment, any Bill or Bills (knowing the same to be actually forged or counterfeited) with an Intent to defraud any other Persons, and be thereof legally convicted, he, she or they so offending, shall be set upon the Pillory in some open publick Place, and there have both his or her Ears cut off, and be publicly whipt on his or her bare Back with Thirty one Lashes well laid on, and moreover shall forfeit the Sum of *One Hundred Pounds*, current Money of *America*, to be levied of the Lands and Tenements, Goods and Chattles of such Offenders, the one Half thereof to the Use of the Government, and the other Half thereof to the Discoverer. And the Offender shall pay to the Party grieved, double the Value of the Damage sustained by the said Countersfeit Bills, together with the Costs and Charges of Prosecution. And in Case the Person or Persons, so convicted, have not sufficient to satisfy the Party for his or her Damages and Charges, and to pay the Forfeiture aforesaid, and then in such Case the Offender or Offenders shall, by Order of the Court before which*

Penalties on Persons counterfeiting Bills.

which they were convicted, be sold for any Term, not exceeding Seven Years, for Satisfaction of the same. And in such Case the Trustees of the said Loan-Office shall Reward the Discoverer and Prosecutor of such Insolvent Offenders, to the Value of *Five Pounds*.

How Counterfeit Bills shall be disposed of.

And that all Magistrates, and others, into whose Hands any counterfeited Bills may happen to come, shall forthwith deliver the same to one of the Trustees of the said Loan-Office, who shall cause the Names of those that delivered them, and of the Persons, from whom they were taken, to be endorsed on the Back thereof; which Bills shall be safely kept in the said Office, and be forth-coming when there may be Occasion to make Use of the same.

4000 may be lent out upon Loan to Owen Roberts.

And it is hereby Declared and Enacted by the Authority aforejaid, That this present Act, and the said other Act for emitting *Fifteen Thousand Pounds*, shall be taken and allowed in all Courts within this Province, as publick Acts, all Judges, Justices and other Persons concerned therein are hereby required to take Notice thereof as such, without pleading the same specially.

Provided always, That it shall be lawful for the said Trustees of the Loan-Office to lend unto *Owen Roberts*, Collector of the Impost, &c. the Sum of *Four Hundred Pounds*, upon his giving Land Security, as is usual, upon such Loans; which Sum is to be delivered to the Provincial-Treasurer, towards paying the Arrears due from the said *Owen Roberts*, to the Treasury of this Province, any Thing herein contained to the Contrary notwithstanding.

Chap. 263. *An ACT laying an Excise on all Wine, Rum, Brandy and other Spirits, retailed in this Province. Supplied.*

CHAP. CCLXIV.

An ACT to improve the Breed of Horses, and regulate Rangers.

WHEREAS the Multitude of small Size Stone-Horses, running at Large in the Woods, have very much degenerated the Breed of good Horses, and is found very Detrimental to the Inhabitants of this Province, it is thought necessary that some suitable Remedy be provided in that Behalf: We therefore pray that it be Enacted, *And*

And be it Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the Province aforesaid, in General-Assembly met, and by the Authority of the same, That from and after the Publication of this Act, no Stone-Horse of above Eighteen Months old shall be suffered to run at large within this Province, unless such Horse be of a comely Proportion, and by the Judgment of the taker up and one Free-holder in the Neighbourhood where he is taken up, shall be full Thirteen Hands high, from the Ground to the Withers, reckoning Four Inches Standard Measure to one Hand.

The Size of Stone-Horses that are suffered to run in the Woods.

And in Case any Stone-Horse otherwise than is above described, shall be found loose and at large in the Woods, it shall and may be lawful for any Free-holder to take up and secure such Horse or Horses, in order to have them cut or geld'd by a skilful Gelder, on the Risk of the Owner, or cause him or them to be detained until the Owner or Owners of such Horses (having speedy and convenient Notice thereof) shall geld or cut, or cause them to be geld'd or cut, for which taking up and gelding, the Owner or Owners of such Horse or Horses shall pay to the Person so taking up, securing and gelding, the Sum of *Ten Shillings*, to be recovered, in like Manner, before any Justice of the Peace, as a Debt under *Forty Shillings*.

Penalty for suffering Horses of lesser Size to run in the Woods.

Provided always, That no Person shall be Entitled to the said Sum of *Ten Shillings*, unless Proof be made by one or more credible Witnesses, that the Horse so geld'd was seen well one Month after the Time of gelding.

Proviso

And be it further Enacted by the Authority aforesaid, That if any Stone-Horse or Horses shall be found at large above the Age aforesaid, and under Fourteen Hands high, it shall and may be lawful for any Free-holder to take up such Horse or Horses, and with the Assistance of Two other sufficient Free-Holders of the Neighbourhood where such Horse is taken up, to View the said Horse or Horses, and if they shall judge such Horse or Horses not of comely Proportion or fit to run at large, according to the Intent and Meaning of this Act, then it shall be lawful for the said Free-holders to order the same to be geld'd by such a Person as is above directed. And all Persons whatsoever that are or shall be Owner or Owners of such Horse or Horses so judged and geld'd, shall pay the like Sum as above allowed, (to be recovered in the same Manner) as is by this Act directed, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

And

And by it further Enacted by the Authority aforesaid, That if any Horse or Colt shall be taken and geld'd, according to the Direction of this Act, and no Owner can be found in the Space of Twelve Months, that then and in such Case it shall and may be lawful for such Person or Persons, with the Advice and Consent of any two Justices of the Peace of the County to which they respectively belong, to sell the same, by publick Vendue, for the most that can be got, and all and every such Person and Persons are hereby required to pay all the Money arising by such Sales, (after the Deduction of all incident Charges allowed by this Act) into the Hands of the County-Treasurer, for the Time being, for the Use of the County.

*No Ranger to range
the Woods without
Licence.*

And be it further Enacted by the Authority aforesaid, That no Person by Colour of Commission, or as a Common Ranger shall be allowed to range in the Woods or Forrests after Horses or Mares, without Licence first obtained from the County-Court where he lives, under the Penalty of suffering as a Horse Stealer, for every Horse or Mare that such unlicensed Person shall take up, Brand, Mark, or Dispose off.

*Justices at the
Quarter-Sessions to
pay and satisfy the
Ranger.*

And forasmuch as it will be necessary for one or more Persons in the respective Counties of this Province, to be licensed as Rangers in and for each County, who are hereby impowered and required to take up and secure all Horses and Mares for which no Owner can be found, and all such Horses and Mares (after they have been posted in three or more publick Places within every County of this Province, at least one Year) to sell and dispose of in such Manner as is before by this Act directed; which said Licence, the Justices at their General Quarter-Sessions of the Peace for the said respective Counties, are hereby impowered and required to grant and make such Allowance to the said Rangers for taking up and securing the Horses and Mares aforesaid, as they shall think fit.

And be it further Enacted by the Authority aforesaid, That in Case any Person or Persons shall at any Time be sued for any Thing they do by Virtue of this Act, they may Plead the general Issue, and give this Act in Evidence.

CHAP. CCLXV.

An ACT for continuing and establishing a Ferry over Neshaminy Creek, on the King's High-Road from Philadelphia to Bristol, in the County of Bucks.

FORASMUCH as the said Ferry, by divers Years Experience, has been found convenient to accommodate Travellers, and others Passing and Re-passing that Way, Theretore, may it please the Governour that it may be Enacted,

And be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That there shall be continued and kept a Ferry at the usual Place over Neshaminy-Creek, by John Baldwin, his Heirs, Executors and Assigns, who shall and are hereby required to maintain and keep the said Ferry, from Time to Time, with good and sufficient Boats, Oars and Hands, and to make and maintain good and sufficient Causeways and Wharffs on each Side of the said Creek, for Landing of Persons, Carts, Carriages, Cattle, Horses and Goods, which at the Place aforesaid are to be carried over the said Creek.

John Baldwin continued Ferry may be behaving himself well

And that the said John Baldwin, and his Heirs, Executors and Assigns, shall at all Times hereafter (during the Time limited by this Act) by him or themselves, or Servants, give constant and due Attendance on the said Ferry.

And the said John Baldwin, his Heirs, Executors and Assigns, shall have and receive for the Ferriage over, at the Place aforesaid, of all Persons (the Proprietary and his Lieutenant Governour, and their Attendance, excepted) the Rates and Prices following: That is to say,

For every Horse and Rider, Three Pence.

Every single Person on Foot, Two Pence.

Every Ox, Cow or Heifer, Three Pence.

Every Sheep, One Penny.

Every Hog, One Penny.

Every Coach, Loaded Wagon or Cart, One Shilling.

Every Empty Wagon or Cart, Six Pence.

Every Slea or Sled, Three Pence.

The Fare.

M m

And

*Not to take more
than the Fare on Pen-
alty of 5l.*

And if if the said *John Baldwin*, his Heirs, Executors Administrators or Assigns, shall not maintain and keep such a sufficient Boat, as aforesaid, with sufficient and able Hands, or shall not give constant and due Attendance on the Service of the said Ferry, or shall demand any greater or other Fees for the Carriage of any Passenger, Carriages, Cattle, Horses, Hogs or Sheep, than is herein before allowed and appointed, then and in every such Case, he shall forfeit and pay the Sum of *Five Pounds*, lawful Money of *America*, for every such Offence; to be recovered before any Justice of the Peace of the said County, the one Moiety thereof to the Party grieved, or to him or them who shall sue for the same, and the other Moiety to be applied towards Repairing of Bridges in the said County.

*To hold the same
for 7 Years, from the
Publication hereof.*

And be it further Enacted by the Authority aforesaid, That he the said *John Baldwin*, his Heirs, Executors, Administrators and Assigns, shall and may Hold and Enjoy the said Ferry for and during the Term of Seven Years, from the Publication of this Act, if he or they shall so long behave themselves well therein, and that no other Person or Persons shall hereafter, for and during the said Term of Seven Years, presume to carry any Passengers, Horses, Cattle, Sheep or Hogs, for any Wages, Hire or Reward whatsoever, over the said Creek, within the Space of Two Miles either above or below the said Ferry hereby appointed, under the Penalty of *Five Pounds*, forfeiture, to be recovered and applied, as aforesaid.

Chap. 266. *An ACT to enable Trustees to sell the Old Court-House and Prison belonging to the Burrough and County of Chester. Obsolete.*

AT a general Assembly begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Eleventh Year of the Reign of our Sovereign Lord *George* King of *Great-Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Twenty Four, and continued by Adjournments till the Twenty first Day of *August*, in the Twelfth Year of his said Majesty's Reign : the following Acts were passed by *William Keith*, Bart, Governour of the said Province, That is to say.

CAAP. CCLXVII.

An ACT to prevent the Exportation of Bread and Flour not Merchantable.

WHEREAS by the Laws of this Province lately made and provided for preventing the Exportation of Flour not Merchantable; the Credit of the Trade of this Province, in one of it's most considerable Branches, hath in some good Measure been retrieved. But forasmuch as those Laws continue in Force no longer than three Years from the Publication thereof: Theretore to the End, That said Credit of our Trade, and the Benefits thence arising may be continued and improved,

Introduction.

Be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That every Bolter of Flour, and Baker of Bread, residing or (at any Time hereafter during the Continuance of this present Act) to reside within this Province, shall each one for himself, provide and have a distinguishable Brand-Mark; and shall therewith Brand each and every Cask of Flour, or Biscake of his own bolting or baking, before the same shall be removed from the

*All Bolters & Bakers
shall provide a Brand
Mark.*

Flour and Bread to
be branded before re-
moved from the Place
where made.

The Brand Mark
to be used, &c.

The Clerk's Fee
for the same.

ss. Penalty.

Place where the same was so, as aforesaid, bolted or baked. But before any such Bolter or Baker shall bolt any Flour, or bake any Bread for Exportation out of this Province, every such Bolter and Baker shall cause such his Brand-Mark, together with his Name, and Place of abode; to be entered with the Clerk of the Court of Quarter-Sessions for the County where he doth reside, (if not already entered) and so, from Time to Time, as often as any such Bolter or Baker shall move the Place of his Residence, from one County of this Province into another; he shall there cause his Mark, Name and Place of Residence to be entered with the Clerk of the respective County. For recording whereof, the said Clerk shall have and receive *One Shilling* each, and no more. And every Bolter and Baker offending in all, or any of the Premises, on due Proof thereof made, shall forfeit and pay the Sum of *Five Shillings* for every such Offence.

Flour to be mer-
chantable, well pack-
ed and justly weighed,
on Penalty of 1s. per
Cask.

And be it further Enacted by the Authority aforesaid, That all Wheat Flour bolted and purchased for Exportation from and after the Thirteenth Day of May, next ensuing the Publication of this Act, shall by the Bolter thereof, be and be made Merchantable, and of due Fineness, without any Mixture of courser or other Flour, and honestly and well packed, in well seasoned Cask, with the Tare thereof thereupon marked. The Cask being first weighed by Weights tried by, or made according to the Standard of Weights in this Province; where with the Flour and Bread packed shall be also weighed: And if any Bolter shall offend therein, he shall forfeit and pay for every such Offence the Sum of *One Shilling per Cask*.

ss. Forfeiture for
false Invoice, &c.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, shall be convicted of any other willful Fraud, or Cheat in packing of Flour or Bread; or of willtully making a fraudulent Invoice of the Neat Proceeds or Weight of any Flour or Bread, the Person offending therein shall forfeit and pay the Sum of *Five Pounds* for every such Offence.

No Flour to be
Shipt before searched
and branded.

And be it further Enacted by the Authority aforesaid, That no Merchant or Person whatsoever shall Lade or Ship any Flour, for Exportation out of this Province, before he shall first submit the same to the View and Examination of the Officer appointed by, or by the Direction of this Act; who shall Search and Try the same, in order to judge of it's Goodness: And if the said Officer shall judge the same to be Merchantable, according to the Direction of this present Act, he shall Brand every such Cask of Flour on the

Quar-

Quarter, with the Provincial Brand-Mark; which the said Officer shall provide, and have for that End and Purpose, sufficient and capable to impress, in a fair and distinguishable Manner, the Arms of the Province of *Pennsylvania*, with the Letter *P.* on each Side. For which Trouble of the said Officer he shall have and receive of the Shipper *One Penny* per Cask and no more.

The Provincial Brand-Mark ascribed.

1^d. per Cask for branding.

Provided always nevertheless, That if any Dispute shall happen to arise, between the said Officer and Possessor of such Flour, concerning the Fineness or Goodness thereof, Application being made to one of the Magistrates of the City or County where the said Dispute arises, who shall issue his Warrant to Two indifferent, judicious Persons of Skill and Integrity, to View and Search the said Flour, and make Report forthwith according as they find the same; and the said Magistrate is hereby empowered and required to give Judgment accordingly: And in Case the said Flour is judged not fit to be Exported, the said Magistrate shall Order it not to be Exported, under the Penalty of Forfeiture of all such Flour, and shall also award and order the Owner or Possessor of the said Flour, to pay the said Officer *One Shilling* per Cask, for all such Flour as shall be adjudged not fit for Exportation, as aforesaid, with reasonable Charges, who shall recover the said Costs and Charges from the Bolter or Maker thereof: But in Case the said Flour upon Trial shall be found to be Good and Merchantable, according to the Directions of this Act, the Charges of Prosecution shall be paid by the said Officer. And in Case any Flour shall upon Trial be found not Merchantable or fit to be exported, the Officer shall take the Bolter's Brand and the Marks and Numbers of such Casks of Flour, and if the same Flour be afterwards Ship'd in Order for Exportation, the Proof that it is not the said Flour shall lye wholly on the Owner or Shipper thereof, and shall not be incumbent on the said Officer.

How Disputes between the Officer and Owners of Flour shall be decided.

Flour not merchantable, if lost is forfeited, and 1s. per Cask to the Officer.

To be paid by the Bolter or Maker.

How to proceed with Flour not merchantable.

How to detect the same if afterwards shipped.

And be it Enacted by the Authority aforesaid, That the said Officer or his Deputies shall have full Power and Authority, by Virtue of this Act, and without any further or other Warrant, to enter on Board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place of this Province, and into any House, Store or Place whatsoever, within the Province aforesaid, to Search for and make Discovery of any Flour shipped, or intended to be shipped for Exportation; and if the Owner or Possessor thereof, or their Servants or others, shall deny him or them Entrance; or if the said Officer, or his Deputies shall be any ways molested in making such Discovery, as aforesaid: Or if such Merchant or Owner shall refuse to permit the said Officer, or his Deputies, to View and Examine any Flour;

Officer has Power to enter on Board any vessel, or in any Store.

10l. Fine for refusing or denying
bina Entrance, &c.

5s. per Cask if
Ship without the Provincial Brand-Mark.

or not permit him or them to Brand the same if Merchant-able, according to the Direction of this Act; every such Person so offending, shall forfeit and pay the Sum of *Ten Pounds*; or shall Ship off any Cask or Casks of Flour not branded with the Provincial Brand-Mark aforesaid; every such Person so offending, shall forfeit and pay the Sum of *Five Shillings*, for every Cask of Flour so ship'd.

30l. per Annum
allowed the Officer.

And be it further Enacted by the Authority aforesaid, That for the better Encouragement of the said Officer, for putting this Act in Execution; he shall have and receive a Salary of *Thirty Pounds per Annum*, to be paid out of the Provincial-Treasury, by Order on the Treasurer, under the Hand of the Speaker of the Assembly, for the Time being.

Samuel Carpenter
the Officer.

In Case of Death
or Removal the Jus-
tices of the County of
Philadelphia shall
appoint another.

The Qualification
appointed the said
Officer.

And be it further Enacted by the Authority aforesaid, That *Samuel Carpenter*, Son of *Samuel Carpenter*, late of *Philadelphia* deceased, appointed by the said recited Act, for putting the same in Execution, shall be and is hereby appointed the said Officer for Viewing and Examining all Flour intended for Exportation, according to the Direction of this present Act. And if the said *Samuel Carpenter*, or other Person, hereafter appointed to be the Officer aforesaid, shall by any Accident be rendred incapable, or neglect to execute the said Office, or shall happen to dye before or after the Time of putting this present Act in Execution, then and so often, and from Time to Time, it shall and may be lawful to and for a Majority of the Justices of the Peace of the County of *Philadelphia*, to supply his Place, by some other fit and capable Person; who shall thereupon be the Officer aforesaid, for putting this Act in Execution, until the Assembly appoints another. But before the said *Samuel Carpenter*, or any other Person so to be appointed the Officer aforesaid, shall do any Thing in the Execution of his Office, he shall first make Oath or Affirmation before any Justice of the Peace, of any County of this Province, Faithfully and Impartially to perform his Duty, and Trust to the best of his Capacity, according to the Directions of this present Act.

Power to appoint
Deputies.

And be it further Enacted by the Authority aforesaid, That the said *Samuel Carpenter*, or any other Person appointed the Officer aforesaid, is hereby impowered to appoint Deputies, in the respective Counties of this Province, (for whom he or they shall be accountable) which said Deputies are hereby fully impowered, to act as Deputy Officers for the Searching and Branding of Flour, in their respective Counties, to all Intents and Purposes as fully as the said *Samuel Carpenter*, could do by Virtue of this Act.

And

And be it further Enacted by the Authority aforesaid, That no Owner, Possellor or Occupier of any Grist-Mill in this Province, shall by himself, Servant or othes, presume to grind or suffer to be ground into Meal for Bolting for Exportation out of this Province, any unsound, illdressed or unmerchantable Wheat; and whatsoever Owner, Possessor or Occupier of any such Mill, as aforesaid, shall so grind, or suffer to be ground any such unsound, illdressed or unmerchantable Wheat, to be bolted for Exportation out of this Province, contrary to the true Intent and Meaning of this Act, he, she or they so offending in the Premises, shall forfeit and pay for every such Offence the Sum of *Thirty five Shillings*, on due Proof thereof by one or more Credible Witnesses, before any one Justice of the Peace in this Province.

Millers not to grind any unsound illdressed Wheat, for bolting. &c.

On Penalty of 35s.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall Counterfeit the said Provincial Brand-Mark, or impress or brand the same on any Cask of Flour, he, she or they being thereof legally convicted, shall for the first Offence forfeit and pay the Sum of *Five Pounds*; for the Second Offence, the Sum of *Ten Pounds*; and for the Third and every other such Offence, the Offender shall be committed to Goal, and sentenced to the Pillory, there to stand the Space of Two Hours, on a Market-Day, in any City, Burrough or Town, of the respective Counties of this Province, where the Fact was committed.

Penalties for counterfeiting the provincial Brand-mark.

And be it further Enacted by the Authority aforesaid, That all and singular the Fines, Forfeitures and Charges mentioned in this Act, where the same respectively exceed not *Forty Shillings*, the same shall be recovered in the same Manner, as other Debts under *Forty Shillings*, by the Laws of this Province; and where the same shall exceed *Forty Shillings* they may be sued for, and shall be recovered, in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law, nor any more than one Impar lance shall be allowed. All which said Forfeitures, not herein before directed how to be apply'd, shall be paid to the Prosecutor, one Half thereof for the Use of the Poor; which he is hereby strictly required immediately on Receipt thereof, to pay to the Overseers of the Poor of the Place where the Forfeiture shall happen; and the other Half for the said Prosecutor, which he may detain to his own Use as Prosecutor, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

How the Fines & Forfeitures are to be recovered.

And to what Uses applied.

Chap. 268. *An ACT to enable Jeremiah Langhorne, William Biles, Joseph Kirkbride, Jun. Thomas Watson and Abraham Chapman, to build a new Court-House and Prison in the County of Bucks. Obsolete.*

*Act
268*

Attach 7 Books

CHAP. CCLXIX.

An ACT for raising of County Rates and Levies.

WHEREAS by the Help and Directions of a Law of this Province, passed in the fourth Year of his present Majesty's Reign, Entituled, *An Act for the more effectual Raising of County Rates and Levies*, the Method of those Assessments are brought to a competent Certainty and Regulation; but inasmuch as by a Supplementary Act, passed in the eight Year of this Reign, the Number of Commissioners appointed by the first Act was reduced, and the Manner of their Choice, and Succession settled, it is now thought convenient that both those Acts should be reduced to One, omitting some Clauses which at present may not be of absolute Necessity to insert.

Be it therefore Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the Province aforesaid, in General Assembly met, and by the Authority of the same, That the present Commissioners for putting the said Acts in Execution, together with the Assessors of the respective Counties of Philadelphia, Chester and Bucks, now in being, shall continue in their several Places, and execute the Powers and Authorities given and required of them, by the same Acts, for and during all the Time they were respectively appointed to serve, according to the Direction of those Acts.

The present Commissioners & Assessors of Act.

And in Regard it is intended, That three Commissioners shall be continued to execute this Act in every County of this Province, and that the Eldest or First-chosen of them, shall be successively changed, by yearly Elections, in each County.

Number of the Commissioners and their Succession.

It is therefore Enacted by the Authority aforesaid, That the Free-holders and Inhabitants of the said respective Counties, who are by, the Laws of this Province, qualified to elect and be elected Members of Assembly, shall, yearly and every Year, in a peaceable and quiet Manner, meet at the Time and

and Place appointed for such Elections, or the Day following, unless it be that call'd *Sunday*, and then on the Day next after; whereupon they shall choole, not only the said Commissioners, but also Persons to serve in Assembly, and to be Sheriffs, Coroners and Assessors of the said respective Counties in Manner following, *That is to say*, all Persons who by Virtue of the said Laws, have a Right to Vote in such Elections, shall deliver in Writing, to the Judges of those Elections respectively, in one Peice of Paper, the Names of Eight Persons, for whom they Vote to serve in Assembly; in one other Paper the Names of Two Persons for Sheriffs, and Two for Coroners; and in another Piece of Paper, the Names of one Person to be Commissioner, and Six to be Assessors for each of the said Counties: And when the said Commissioners and Assessors are so chosen, the Sheriff of the respective Counties shall take their Names in Writing, under the Hands and Seals of at least Six or more of the said Free-holders, and certify the same to the Justices, at their General Sessions of the Peace in each County, next after such Election: Which Return shall be entered on Record, by the Justices Clerk, in their Sessions Minute Book. And that the Returns of all the said other Elections shall be made, as usual, according to the Manner and Form prescribed by the said Laws of this Province relating thereunto.

The Time & Manner of electing Members of Assembly, Sheriffs, Coroners, Commissioners and Assessors, and their Qualifications.

But before any of the said Commissioners and Assessors so chosen and returned, shall take upon them the respective Service and Duty by this Act required of them; they shall be qualified, *To wit*, The new elected Commissioner first, and the Assessors afterwards, by Oath or Affirmation, to the Effect following, *That is to say*,

THOU shalt well and truly cause the County Debts to be speedily adjusled, and the Rates and Sums of Money, by Virtue of this Act imposed, to be Duty and equally assessed and laid, according to the best of thy Skill and Knowledge, and herein thou shalt spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will.

The Qualification to be taken by the Commissioners and Assessors.

Which Qualification or Engagement, any Two or more of the Justices of the Peace, in the proper County, or City of *Philadelphia*, where such Assessments are usually made, shall have Power and are hereby required, under the Penalty of *Five Pounds* a Piece, to administer when required: And the said Qualifications shall be put in Writing, and signed by those that take them, and certified by the Justices, and filed by the Clerk of the Sessions, along with the said Sheriff's Return of the Persons so qualified.

By whom administered.

On 21st to hold the old ones to stand.
Provided always, That when the Inhabitants of any of the said Counties refuse or neglect to choose Commissioners and Assessors according to the Directions of this Act, then and in every such Case, the Commissioners and Assessors, who officiated the Year next preceeding such Neglect, shall continue to officiate in their respective Stations until another Election be made, according to the Direction of this Act.

To meet annually.
To calculate Publick Debts.
And fix the Sums to be raised yearly.
And ascertain such Sums as shall be applied to each Service.
And be it further Enacted by the Authority aforesaid, That the said Commissioners and Assessors, or a Majority of them, as soon as conveniently they can, after they are qualified, as aforesaid, shall annually meet at the Place where the Quarter-Sessions and other Courts are usually held, and then and there, or at such other Times and Places, as the said Commissioners, or any Two of them, may then after appoint, shall calculate the publick Debts and Charges of the said respective Counties; allowing all just Debts and Demands which now are and hereafter shall be chargeable upon the said respective Counties and City of *Philadelphia*; and shall, from Time to Time, adjust and settle the Sum and Sums of Money, which ought or Necessity to be raised yearly, to pay for Representatives Service in General Assemblies, and to defray the Charges of Building and Repairing of Court-Houses, Prisons, Work-Houses, Bridges and Cause-Ways at the Ends of Bridges; or for destroying Wolves, Foxes and Crows, with such other Uses, as may redound to the publick Service, and Benefit of the said Counties respectively: And shall also ascertain and set down such competent Sum and Sums of Money, as shall be yearly applied towards every of the said Services, together with such Sums as may be needful to make good Deficiencies in County Rates assessed, and not yet collected, and to enforce the Collection thereof as Occasion may require.

Commissioners to issue their Precepts to the Constables to bring in Certificates of all Taxables, &c.
And be it further Enacted by the Authority aforesaid, That the said Commissioners or any Two of them, in each County shall within Six Days after their said Annual Meetings, issue forth their Precepts; directed to the Constables of every Township; requiring them to bring to the said Assessors, within Six Weeks next after the Date of such Precepts, fair and true Certificates in Writing, upon their Oaths or Affirmations, of the Names and Sir-Names of all and every the Persons dwelling or residing within the Limits of those Townships, or Places with which they shall be charged; and the Names of all Free-men, In-mates, hired Servants, and all other Persons residing or sojourning in every of the said Townships, together with an Account of what Tracts and Parcels of Land, and Tenements they respectively hold.

hold, in such Township; and how many and what Parts of those Tracts are settled, improved or cultivated, and how much of the same Land is sowed with Corn; and how many bound Servants, and *Negroes*, with their Ages, and what Stock of Cattle, Horses, Mares and Sheep they Possess; without Concealment, Fear, Malice, Favour or Affection, upon Pain of Forfeiture of any Sum not exceeding *Five Pounds*, to be levied as by this Act is appointed.

On Penalty of 5*l*.

And every of the said Constables, shall by an Order from one or more of the said Commissioners, have and receive from the Treasurer of the said respective Counties, *Three Pence* by the *Pound*, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid.

3*d* per l. for the Constable.

And that the Assessors, for the said respective Counties, or any Four of them, shall meet at the Day and Place where the Commissioners Precepts are made returnable; and then and there receive the Constables Returns; and shall thereupon by the Oaths or Affirmation of the said Constables, or other credible Persons, or by any other lawful Ways or Means inform themselves, what Persons and Estates in their respective Counties are ratable, by Virtue of this Act: And shall forthwith equally and impartially assess themselves, and all others ratable, as aforesaid, exempting out of such Assessments all unsettled Tracts or Parcels of Land, *That is to say*, such Tracts of Land as at the Time of the said Assessments making, are unseated; altho' the same were formerly accustomed to be rated in Assessments, and having due regard to such as are Poor and have a Charge of Children; and no single Man who at the Time of Assessment is under Twenty one Years of Age, or hath not been out of his Servitude, or Apprentiship Six Months, shall be rated by this Act: But as to those single Men, whose Estates shall not be rated at *Fifty Pounds*, they shall be assessed after the Rate of *Three Shillings* a Head, upon a Tax of *One Penny per Pound*, both for Poor Rates, and City and County Levies.

Assessors to meet at the Return of the Commissioners precepts and assess themselves and others. &c.

Unseated Land not taxable.

Who are not to be 3*s*. rated.

Single Men rated 3*d* per Head, &c.

Provided always, That no Assessments of County Rates, to be made by Virtue of this Act in any one Year, shall exceed the Value of *Three Pence* in the *Pound*, and *Nine Shillings per Head*.

Not more than 3*d* per l. to be raised.

Provided also, That the Proprietary and Governour's proportion Estate, shall not be liable to be rated or assessed by Virtue of this Act.

The Proprietary or Governour's Estate exempted.

*Wolves and red
Foxes to be killed.*

*How to proceed
when killed.*

And be it further Enacted by the Authority aforesaid, That whensoever any Wolves are killed within the inhabited Parts of this Province? and when red Foxes are killed by any Person or Persons (except *Indians*) within the said Inhabited Parts, he or they who kill such Wolves or Foxes, shall bring the Heads of them to some Justice of the Peace for the County where they are killed, who is hereby impowered and required to examine the Parties producing such Head, or at the Discretion of the Justice, to charge him or them upon Oath or Affirmation, to declare where those Wolves or Foxes, whose Heads they so produce, were killed, and by whom; and if it shall clearly appear to the Satisfaction of such Justice, that those Heads were severed from Wolves or Foxes so as aforesaid killed, by the Party producing the same; the Justices before whom such Examination is taken, shall cause the Tongues and Eares of such Heads to be cut off; and upon Proof made as aforesaid, and not before, shall grant an Order upon the Treasurer of the County where such Wolves or Foxes are killed; reciting therein the Substance of the Proof, and requiring the Treasurer to pay the Party after the Rates herein after appointed for each Head, *That is to say,*

For every grown Dog or Bitch Wolf, *Fifteen Shillings.*

*Price for killing
of Wolves & Foxes.*

Every Wolf Puppy or Whelp, *Seven Shillings and Six Pence.*

Every old red Fox, *Two Shillings.*

Every young red Fox or Whelp, *One Shilling.*

*Indian killing of
Wolves to have the
Benefit of this Act.*

Provided nevertheless, That Wolves Heads brought before a Magistrate, by any *Indian*, to claim the Benefit of this Act, shall be attended with a Certificate, or other Proof of some Person in the Neighbourhood where such Wolf was killed; certifying under his Hand that he saw such Head when Green.

*3d per Head for
Crows.*

And whosoever kills any Crows, he may bring them (but not less than Six at a Time) to the next Justice of the Peace, who shall see their Bills cut off, and then give the Party that brings them, an Order upon the County-Treasurer to pay him *Three Pence per Head*, for every such Crow.

*Treasurers to enter
Sums paid.*

And be it further Enacted by the Authority aforesaid, That all the said respective Sums of Money, with the Names of those Persons to whom payable, and the particular Uses to which they are appropriated, shall be entered in a Book to be kept for that Purpose, by the Treasurers of the respective Counties, who are hereby required to provide Books,
at

at their own Charge, wherein they shall make the said Entries accordingly. And that all Accounts of Debts and Demands justly chargeable upon the said respective Counties, shall be allowed by a Majority of the Commissioners and Assessors, of the same Counties, for the Time being, who shall certify such Allowance accordingly by Indorsement on the Accounts; and shall cause the Names of the Creditors, and the Sums so allowed them to be entered in a Book, which the said Commissioners shall prepare and keep for that Purpose at the Charge of the said respective Counties.

A Majority of Com. missions to allow Accounts, &c.

And be it further Enacted by the Authority aforesaid, That the said Assessors shall at the Return of the Commissioners Precepts above mentioned, divide the Counties wherein they act, into Districts, and appoint some fit Person in every of those Districts to be Collector of the said Assessments, from Time to Time, and shall cause fair Duplicates of the Assessments of each District to be drawn; one Part thereof shall by the Clerk that Writs the same, be delivered to one of the said Commissioners of the proper County, and the othes Part to the Collector of each District, with Directions from the said Commissioners to every such Collector, indorsed on his Duplicate, or annexed thereunto; requiring him to Demand of the Parties, the respective Sums of Money, where-with they are Chargeable, and acquaint them of the Day of Appeal; which shall be appointed by the said Commissioners within one Month after the Assessments are made, but where any of the said Collectors cannot meet with the Party of whom Demand is to be made, as aforesaid, he or they shall leave Notice in Writing with some of the Family, or at the Place of the Parties last abode, signifying also the Day of Appeal; at which Day every of the said Collectors shall return their Duplicates, with the Names of such Persons, and Value of such Estates, as shall be concealed, undervalued or omitted in the Constables Return.

Counties to be divided into Districts, and a Collector to be appointed in each.

Duplicates to be drawn and delivered &c.

Day of Appeal to given Notice of, &c.

Duplicates to be returned with the Constable's Omission.

And if any Person or Persons find him or themselves aggrieved with any of the said Assessments, supposing the same to be unequal; he or they may Appeal to the Commissioners of the proper County.

The Party grieved may Appeal.

And the said Commissioners are hereby required to meet on the said Day of Appeal, where the Assessors shall attend, and lay before the Commissioners, all the written Certificates of the Names of the Taxables, and the Account of their Estates, returned by the Constables, as this Act^s requires, together with the particular Valuation, set by the Assessors, upon the Persons and Estates so returned: Whereupon the

Commissioners and Assessors to meet on the Day of Appeal.

Com.

*To examine those
that Appeal.*

*To add or diminish
and take Notice of
Omissions, &c.*

Who are to pay double

Commissioner shall take due Notice thereof, and strictly Examine the Persons appealing, upon their Affirmations, or otherwise, concerning the Cause of their Appeal; and upon such Examination or Proof of others, they are hereby empowered to diminish or add to such Person's Rate or Assessment, as to them shall seem, just and reasonable; with Power also to call before them such Persons and take Notice of such Estates, as they find are omitted in the said Assessments, in Order to rectify it: And if the Persons so omitted, refuse or neglect to appear and give an Account of the Value of their Estates, they shall pay double the Sum they should or ought to have been rated at by this Act.

*Assessments begin
rectified to cause their
Clerks to give 5 days
Notice, &c.*

*Sums Total to be
delivered to the Treas-
urer.*

And the said Commissioners upon hearing of the said Appeals, shall rectify and adjust the said Assessments, by abating or adding to the Sums contained in their said respective Duplicates, and cause their Clerks to give the Parties concerned, where Omissions are supplied, or Additions made to their Assessments, five Days Notice to appear before the Commissioners, and make their Objections thereunto: And that the said Clerks shall within Ten Days next after the said Day of Appeal, deliver to the Treasurers of the said respective Counties, a true Account of the Sums Total, which every Collector shall be charged with, pursuant to this Act.

*Duplicate to be
delivered to the Col-
lectors.*

*In what species to
be paid.*

And the said Commissioners shall cause their Clerks to draw fair Duplicates of the Assessments of the said respective Districts, so rectify'd, as aforesaid; and deliver them to the Collectors of those Districts, where they belong, within Twenty Days after the said Day of Appeal, with a Warrant annexed thereunto, under the Hand and Seal of one or more of the Commissioners who signed the Assessments, requiring them forthwith to collect and receive from the Persons assessed, the several Sums in the said Duplicates respectively mentioned, either in ready Money, Bills of Credit, or good Merchantable Wheat, at Money Price, to be delivered at such Market, Mill or Mills, in the said respective Counties where the Charge of the Portage thereof to *Philadelphia*, shall not exceed *Three Pence per Bushel*; and that the Miller's Receipt for the said Wheat being delivered to the respective Collector, by the Persons paying or delivering the same, as aforesaid, shall be taken by the said Collectors, as Payment from the Persons by or from whom the same are delivered, as aforesaid.

And be it further Enacted by the Authority aforesaid, That the said Collectors shall once in Six Weeks, at least, render a just and true Account of, and bring in and pay unto the

the respective County-Treasurers, all such Sums of Money and receipts for Wheat, as they shall then have received, and shall pay the Whole and every of the Sums of Money, assessed in their respective Duplicates, within Three Months next after the said Days of Appeal; and the Treasurers shall give Receipts to the Collectors for what they shall so bring in and pay, from Time to Time; which Receipts shall be the Collector's Discharge for so much.

Collectors to Account once in 6 Weeks and pay the Whole in 3 Months.

And that the said Treasurers shall, from Time to Time, signify in Writing to the said Commissioners, how much every Collector brings in and pays, as aforesaid; and when any of the said Collectors are negligent, or refuse to do their Duty in the Premises, the Treasurers are hereby required forthwith to signify the same, by Way of Complaint to the Commissioners where such Neglect or Refusal shall happen.

Treasurers to acquaint the Commissioners of the Sums received, and of the Collectors Neglect.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, so rated or assessed, by Virtue of this Act, shall refuse or neglect to pay the Sum or Sums so assessed, in ready Money, Bills of Credit, or Wheat delivered in lieu thereof, in Manner aforesaid, by the Space of Thirty Days, after Demand made, as aforesaid, it shall be lawful for the said Collectors respectively, by Virtue of a special Warrant for that Purpose, signed and sealed by Two or more of the said Commissioners, who shall forthwith grant the same, and shall thereby empower the said Collectors to call to their Assistance, if Occasion be, any Constable or other Person, and in Case of Resistance to break open, in the Day Time, any House, Trunk, Box, Chest, Closet, Cupboard, or other Things, where any such Offender's Goods and Chattles, or Effects are supposed to be, and make Distress and Sale thereof, rendering the Overplus if any be to the Owners, after reasonable Charges deducted.

Persons refusing to pay in 30 Days after Demand the same to be distrained for.

But if no Distress can be found by the Collector, and the Party refuses or neglects to shew them Goods or Chattles of his own forthwith to satisfy the Money then due, with reasonabl Charges, then the Collector shall take the Body of every such Person, and bring him to the County Goal and deliver him to the Sheriff or Keeper of the said Goal, who shall detain him in safe Custody, without Bail or Mainprise, until Payment be made.

For want of Distress to take the Bodies.

Provided always, That where Effects cannot be found sufficient to answer the whole Sum in Arrear, with Charges,

*If Effects for Part
the Delinquent to be
imprisoned for the
Residue.*

as aforesaid, then Distress shall be made for so much as the Effects extend to, and the Party to be imprisoned only for the Residue thereof, with incident Charges: All which Charges of Distress, Assistance, and bringing to Prison, shall be adjusted and settled by any Two or more of the said Commissioners, when such Occasion shall happen.

*If Collectors Neg-
lect to pay, &c. be fined*

And be it further Enacted by the Authority aforesaid, That if upon Complaint of the Treasurer to the Commissioners, it shall appear that any of the said Collectors refuse or neglect to pay the said Sums of Money or other Effects, which he or they shall be respectively charged to collect or produce Receipts testifying the Payments or Delivery thereof, as aforesaid, and deliver the Money or Receipts, for Wheat, in the Manner, and at the Time by this Act required, retaining such Sums as is hereby allowed for collecting and paying the same; then the Commissioners of the proper County or any Two of them shall fine every such delinquent Collector in any Sum not exceeding *Ten Pounds*, and appoint others to act in his or their Stead.

*Process to issue a-
gainst delinquent Col-
lectors Estates.*

And moreover it shall be lawful for the said Commissioners of the proper County, or any Two of them, and they are hereby required to meet, and issue out their Warrants under their Hands and Seals, directed to the Sheriff or Coroner of the proper County, requiring him to take the Body, and seize and secure the Estate, Real and Personal, belonging to such Delinquent; or which shall come into the Hands or Possession of his Heirs, Executors or Administrators, where ever the same can be discovered or found in this Province, and make Return of his Proceedings therein, at such Time and Place as the Commissioners shall appoint.

*Commissioners to
appoint a General
Meeting.*

And that the said Commissioners, who shall cause the said Lands and Estates to be seized and secured, as aforesaid, shall be, and are hereby empowered to appoint a Time, for a General Meeting of the Commissioners of such County, and there do cause publick Notice, to be given, where such Meeting shall be appointed, Six Days at least before such General-Meeting; and the Commissioners then present at such Meeting, or the major Part of them, in Case the Money detained by such Delinquent, be not then paid, or satisfied, shall and are hereby empowered and required, to issue forth their Warrants or Precepts to the Sheriff or Coroner of the proper County, empowering and requiring him to sell and dispose of all such Estates, as shall be for the Cause aforesaid, seized and secured, or any Part thereof, and to bring the Money arising by such Sale, to the Commissioners, who granted such

*To issue out their
Precepts to sell the
said Estates, to pay
the Treasurer the
sums due.*

War-

Warrants, in Order to satisfy and pay unto the respective County-Treasurers, for the Time being, the Sum or Sums that shall be so unpaid or detained in the Hands of the said Collectors, or other Persons, their Heirs, Executors or Administrators respectively, with Damages, for what shall be so unpaid, returning the Overplus (if any be) to the Owner, after all necessary Charges deducted.

To pay the Treasurer the Sums due.

Returning the Overplus.

And when any Sale of Lands, Tenements or Hereditaments, shall be made by such Sheriff or Coroner respectively, pursuant to this Act, the Title and Conveyance thereof, shall be by Deed signed, sealed and delivered by the Sheriff or Coroner to such Person or Persons, as shall Purchase the same, in Fee-Simple, or otherwise, which shall be most absolute and available in Law, against the said Delinquents, and their Heirs and Assigns, and all claiming under them.

The Title of which shall be by Deed from Sheriff or Coroner.

And that all Gifts, Grants and Sales, which shall be made by any of the said Delinquent Collectors, or other Officers respectively, of any of their said Estates, after the Time they should have paid the Money or Effects arising from the said Assessments, (unless the Estate so seized be sufficient to answer what they are in Arrear) are hereby declared to be fraudulent; and shall not prevent or avoid the Seizure and Sales hereby appointed to be made thereof, as aforesaid.

Gifts, Grants or Sales made after they should have paid the Money are declared to be fraudulent.

And be it further Enacted by the Authority aforesaid, That all Free-men, not being Householders, nor having a certain Place of abode; and all the said hired Servants, shall be taxed at the Place where they reside, at the Time of the Constables taking their Names, as aforesaid; and that every Householder shall, at the Request of the said Constables of the respective Townships, Wards or Places, give an Account of the Names, Qualifications and Estates of such Persons as shall sojourn, lodge or dwell in their respective Houses under the Penalty of *Forty Shillings*, to be levied, charged and paid in Manner aforesaid.

Free-men & hired Servants to be taxed.

Householders to give Account of their Lodgers, &c.

The Penalty.

And if any such Free-men shall not be found at such Place of Residence, nor within the same Township, where their Names are taken, as aforesaid, at the Time when such respective Collectors shall come to receive such Householders Assessment: then (unless such Free-men or Servant hath by himself or Friend paid; or unless such Householders, or Employer doth pay the same for him upon Demand made thereof by the Collector) it shall and may be lawful, for every such Collector to make Distress and Sale of the Householder,

Upon Non payment by Free-men or servants, the Collectors may distress upon the Employer.

der's or Employer's Goods and Chattles for the same, rendring the Over-plus to the Owner, as aforesaid; and every such Housholder or Employer, shall recover the same from every such Free-man, with Charges, by Warrant from any Justice of the Peace of the proper County, as in Case of Debts under *Forty Shillings*.

And be it further Enacted by the Authority aforesaid, That if any of the said Commissioners shall refuse or neglect to do his or their Duty in the Premises, he or they so offending, shall be fined by a Majority of the Justices of the Peace of the proper County, for the Time being, at their next Quarter-Sessions after the said Offence is committed, in any Sum not exceeding Ten Pounds, for every Offence; which by Virtue of a Warrant under the Hands and Seals of the said Justices or any Two of them, directed to the Sheriff or Coroner of the County, where such Offender or his Estate is, at the Time of issuing of such Warrant, shall be levied by Seizure and Sale of Lands, Distress and Sale of Goods, or Imprisonment of Body, as the Case shall require; and from and after such Refusal or Neglect; or if any of the said Commissioners shall misbehave themselves, or happen to dye, during the Time for which they are chosen, the other Commissioners and Assessors, for the Time being, at their next Meeting next after such Death, Refusal, Misbehaviour or Neglect, shall in every such Case appoint others to act in their Stead.

The Commissioners to be named by the Justices of the Peace at Quarter-Sessions.

Not above 101.

In Case of Death New Commissioners to be chosen.

The Treasurers to be fined by the Commissioners.

New Treasurers to be chosen upon Death or Misbehaviour.

And if any of the said Treasurers, shall refuse or neglect to do his Duty, as by this Act is required; he shall be fined by Two or more of the Commissioners for the County where he is deficient of his Duty, in any Sum not exceeding Ten Pounds, for every Offence; which shall be levied, as aforesaid, by Virtue of a Warrant under the Hand and Seal of Two or more of the same Commissioners, directed, as aforesaid, and from and after such Refusal, or Neglect; or if any of the said Treasurers shall happen to dye; the Commissioners of the proper County, shall, in every such Case, appoint others to act in their Stead.

The Assessors to be fined by Commissioners.

And if any of the said Assessors shall refuse or neglect to do their Duty, as this Act requires, the Commissioners of the proper County, or any Two of them, shall fine every such Assessor in any Sum not exceeding Ten Pounds, which shall be levied by one of the same Commissioners Warrant, in Manner aforesaid.

All which Fines, with all other Fines and Forfeitures, mentioned in this Act, shall be levied, as aforesaid, and shall be paid, and added to the Publick Stock of the respective Counties, where they shall happen. *Fines to be paid in- to the County Stock.*

And the said Commissioners shall be allowed *Four Shillings and Six Pence* each, for every Days Attendance, besides *Twelve Pence* for every Precept and Warrant, they are to sign by Direction of this Act; which with reasonable Charges, to be allowed their Clerks for delivering the Duplicates and other Services, besides Writing, as the said Commissioners in their respective Counties (by Order under the Hand of Two of them) shall think fit to allow, shall be paid by the respective County Treasurers. *The Commissioners Allowance.*

And the said Assessors for their Time and Labour in the Premises, shall be allowed *Six Pence per Pound*, for the whole Sum contained in the Rates of their respective Counties, after the Assessment is rectified and adjusted by the Commissioners according the Directions of this Act, to be paid by the Treasurer, upon Sight of the Commissioners Order for the same, and be equally divided amongst them; which said Poundage shall be to the Assessors, for the Time being, in full Satisfaction for all the Service and Attendance required of them by this Act. *The Assessors Allowance.*

And the said Collectors, shall retain in their Hands, *Twelve Pence per Pound* for all Sums of Money by them respectively collected; together with what they shall pay the Assessors, as aforesaid. *The Collectors Allowance.*

And those that officiate as Clerks, shall for their Pains in Writing the Duplicates, and all Warrants and Precepts relating to the Premises, have and receive as followeth, viz.

The Clerk of *Philadelphia*, *Four Pounds*: The Clerk of *Chester*, *Four Pounds*: And the Clerk of *Bucks*, *Three Pounds Ten Shillings*: Which the respective County-Treasurer is hereby required to pay them accordingly. *The Clerks Allowance.*

And if any of the said Clerks shall Neglect to do his or their Duty, as by this Act is required, he or they shall be fined by the Commissioners of the proper County, in the Sum of *Ten Pounds* each, to be levied and paid as aforesaid: And in Case of Death or Neglect of any of the said Clerks, the Commissioners shall forthwith appoint others to act in their Stead. *The Clerks to be fined for Neglect by the Commissioners to appoint others.*

Persons sued, &c.
to plead the general
Issue, &c.

Provided always, That if any Person or Persons be sued or prosecuted for any Thing done in pursuance of this Act, he or they may plead the General Issue, and give this Act and special Matter in Evidence for their Justification, and If the Plaintiff or Prosecutor become Nonsuit, or forbear Prosecution, or suffer Discontinuance; or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have Treble Costs, to be recovered as in Case where Costs by Law are given to Defendants.

The Plaintiff if
cast to pay treble
Costs.

Prosecution to be
within 12 months.

Provided also, That no Person or Persons shall be sued or prosecuted for Neglect in the Execution of this Act unless, he or they be sued or prosecuted within Twelve Months after such Offence committed,

No Suits to be stayed,
or Fines pardoned.

Provided also, That no Proceedings prescribed or required by this Act against Collectors and other Officers, and Persons refusing or neglecting to comply therewith, shall be stayed by *Noli prosequi*, or otherwise; nor any Fines or Forfeitures arising by this Act, pardoned or released, without Payment thereof made to the Uses hereby appointed; any Law or Usage to the Contrary notwithstanding.

Commissioners and
Assessors to choose
Treasurers.

And be it further Enacted by the Authority aforesaid, That the said Commissioners and Assessors of the said respective Counties, for the Time being, or the major Part of them, are hereby impowered and required, as often as there may be Occasion, during the Continuance of this Act, to choose a Treasurer for each County; which Treasurers when so chosen, as well as the present County-Treasurers, and every of them are hereby impowered and required respectively to receive all the Money and other Effects arising, as well from all the said Assessments, as also the Fines and Forfeitures, which shall be imposed, from Time to Time, by Virtue of this Act.

Who are to give
Security to the Com-
missioners.

And that the said respective Treasurers, for the Time being, before they enter upon the Execution of their Offices, shall become bound to the Commissioners of the proper County, with one or more sufficient Sureties, (*To wit*) The Treasurer of *Philadelphia* County, in an Obligation of *One Thousand Pounds*: The Treasurer of *Chester* County, in an Obligation of *Eight Hundred Pounds*: And the Treasurer of *Bucks* County, in an Obligation of *Four Hundred Pounds*, Conditioned for the true Execution of their respective Offices; and due Observation of this Act.

And

And in Case of Death or Removal of any of the said Treasurers, then the Commissioners and Assessors of the proper County, for the Time being, or the major Part of them, shall appoint others to supply the Places of such as shall so dye or be removed, from Time to Time, who shall give Security as above; which said respective Treasurers shall give Security in Manner aforesaid, and shall keep a distinct Book in each County, containing a particular Account of all the Rates and Assessments made, or to be made, as aforesaid, as also of all Disbursements and Payments made by Order of former Commissioners and Assessors; with such Payments as shall hereafter be made by Order of the Commissioners by Virtue of this Act.

*In Case of Death
or removal the Com-
missioners to choose
others.
Treasurers to keep
Books &c.*

And that the Treasurers shall yearly, at the next Quarter-Sessions after *Midsummer-Day*, in each County of this Province, bring in and settle their respective Accounts, with the said Commissioners and Assessors, a Majority of whom shall give Attendance for that Purpose and shall have Power to adjourn, from Time to Time, till the Accounts be settled: And the Treasurers shall be allowed for their Trouble in receiving and paying all such Money as shall come into their Hands respectively, by Virtue of this, or the other Acts for raising County-Levies, so much as the said Commissioners and Assessors, or the major Part of them, from Time to Time, shall judge reasonable.

*And settle their
Accounts yearly.*

*Treasurers Allow-
ance.*

And where any County-Treasurers shall be removed from their Offices of Treasurers, they shall deliver up to the succeeding Treasurers all the Books, publick Accounts and Papers belonging to those Counties, where they acted, whole and entire, and undetached, under the Penalty of *One Hundred Pounds*; to be recovered in Manner and for the Uses herein above mentioned. And where any County-Treasurer hath been or shall be removed by Death, the Executors or Administrators of such decedent, shall deliver in like Manner all the Books and Papers relating to the said publick Accounts, to the succeeding Treasurers, under the same Penalties, to be recovered as aforesaid.

*Treasurers removed
to deliver up their
Accounts &c. to
their Successors.*

Penalty.

And be it further Enacted by the Authority aforesaid, That the said Acts for the more effectual raising of County-Levies, made in the fourth Year of his present Majesty's Reign, and the said Supplementary Act made in the eighth Year of the same Reign, and all other Acts made for raising and collecting Arrears of County-Levies, passed in the several Reigns of the late King *William*, and Queen *Anne*,
and

*Repeal of former
Laws.*

and every Article, Clause or Thing therein, or in any of them contained, shall be and are hereby repealed to all Intents and Purposes whatsoever.

CHAP. CCLXX.

An ACT to regulate the Practice upon Writs of Summons and Arrest.

WHEREAS it hath been the earnest Endeavours of the Legislative Power of this Government to provide for the Liberty of the Subject, by Regulations of this Kind, without the the least Design of protecting Mens Estates from Payment of their Debts, but so far as Justice would permit, to maintain the Freedom of their Persons, according to the ancient Common-Law of *England*, which suffered not the Body, in Case of Debt, to be detained in Prison but be at Liberty to follow his own Affairs and Business, &c. And it seems highly just, that the same Reason should take Place in this new Colony, where Plantations are to be improved by hard Labour and great Diligence: Therefore, *May it please the Governour*, That it may be Enacted,

Introduction.

No Free-holder to be arrested.

Who shall be deemed Free-holders.

Except in the King's Case, &c.

Process to be by Writ of Summons.

And be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That no Free-holder inhabiting in any Part of this Province, who hath resided therein for the Space of Two Years, and has Fifty Acres of Land, or more, in Fee-Simple, well seated, and Twelve Acres thereof or more well cleared or improved, or hath a dwelling House worth Fifty Pounds current Money of America, in some City or Township within this Province, clear Estate, or hath unimproved Land to the Value of Fifty Pounds like Money, shall be arrested, or detained in Prison by any Writ or Arrest, or Capias ad Respondendum, in any civil Action, unless it be in the King's Case, or where a Fine is or shall be due to the King, His Heirs or Successors; or unless they be such Free-holders, as by this Act are made liable to be arrested; but that the Original Process against Free-holders, shall be a Writ of Summons, under Hand and Seal of One of the Justices of the Court of Common-Pleas for the proper County, directed to the Sheriff or Coroner there, as the Case may require, Commanding to Summons the Defendant: The Form of which Writ shall be as followeth, viz.

GEORGE,

GEORGE, by the Grace of GOD, of Great-Britain,
France and Ireland, King Defender of the Faith, &c.
To the Sheriff of the County of - - - - - Greeting.
We Command you, That you Summen - - - - - so that
he be and appear before our Justices - - - - -
at - - - - - at our Court of Common-Pleas,
there to be hold - - - Day of - - - - - next to
Answer the Complaint of - - - of a Plea, &c. - - -
Witness - - - - - E/q, - - - - - Day of
- - - - - at - - - - - in the - - - Year
of our Reign.

The Form

And if the Defendant in such Writ, does not appear at the Day of the Return thereof, but makes Default, and the Officer to whom such Writ was directed, or his lawful Deputy, doth certify to the Court, upon Oath or Affirmation, that on or before the Day of the Return of such Writ, he hath summoned the Defendant, (mentioning the Day he did so) or left Notice in Writing, of such Summons at the House of the Defendant, in the Presence of one or more of his Family or Neighbours, signifying that the Defendant should be and appear according to the Contents of such Summons: Upon which Return, if the Defendant has been so served Ten Days, and the Plaintiff had filed his Declaration in the Office of the Prothonotary, within the Space of Five Days, before the Court to which such Writ is returnable; it shall be lawful to and for the Plaintiff in such Action, to file a Common Appearance for the Defendant, so making Default, and proceed to Judgment and Execution by *Nihil Dicit*.

Upon the Defendant not appearing the Officer to certify the Court that he has summoned him.

Summons to be served 10 Days before the Court.

And Declarations filed 5 Days.

Defendant not appearing the Plaintiff to proceed to Judgment and Execution.

Provided always, That nothing herein contained shall exempt any Person from being arrested, or shall debar any Person from taking out Writs of Arrest, if the Plaintiff in every such Writ, or some Body for him, doth make appear by Affidavit upon Oath or Affirmation (which the Justice that grants such Writ is hereby impowered and required to administer) testifying, That the Defendant in the same Writ named, hath signified his Intentions of going to Sea, or of removing out of this Province, or lurks in secret Places, or conceals himself in his own or others House; or that the Defendant in such Writs, hath refused or neglected, upon Demand, to give either Real or Personal Security for the Debt; or refused without Process to appear and put in Special Bail to the Plaintiffs Action for the Debt or Cause for which he complains; or that the Defendant suffered himself to be arrested, or Judgment to be entered against him; or made over his Lands or Chattles to others, or suffered them to be

The Plaintiff to make appear by Oath &c.

Sundry Cases where a Free-holder may be arrested.

be attached, and made no proper Defence to such Proceedings; or where the Plaintiff can make appear, from Records or otherwise, That so much of the Defendants's Estate is mortgaged, aliened, entailed or liable to one or more Judgment suffered or ordered to be entered against such Defendant, so that the Value of his Fee-Simple Estate, in Possession, clear of those and all other Incumbrances, will not (as the Deponent believes) be sufficient to satisfy the Debt demanded; or that the Defendant in such Writ, hath not been a Resident in this Province for the Space of Two Years, next before the Date of the same Writ: In all which Cases, Writs of Arrest shall be granted, and the Defendant held to special Bail, if the Case requires it; and the Justices that grant the same, shall cause all the Affidavits they take, as above required, to be filed by the Clerk of the Court where such Writs are returnable.

And held to special Bail.

Free holders arrested within the Intent of this Act, the Writ to abate.

And Defendant allowed 30s. Costs.

But if any Free-holder, exempted from Arrest by Virtue of this Act, shall happen to be taken by any Writ of Arrest, the Court where such Writ is Depending shall forthwith upon the Defendants Motion, stay all further Proceedings against him, till they examine his Circumstances, and if they find he is such as by this Act is intended to be exempted, the Court shall, of their own Accord, abate the Writ, and allow the Defendant *Thirty Shillings* Cost, to be paid by him or them that procured such Writ, and for Non-Payment thereof, the Court shall grant an Attachment, as in other Cases, where a Rule of Court is not comply'd with.

Persons offending against this Act to answer at the Supream Court.

And if any of the Justices or Clerks of the said Courts, or Practitioners at Law, shall Contemn this Act, and wilfully proceed in the Premises, contrary to the Direction thereof, they shall be liable to Answer, and be fined for the same, at the Supream-Court of this Province, any Sum not exceeding *Ten Pounds*.

The former Act of Summons Repealed.

And be it further Enacted by the Authority aforesaid, That the Act directing the Process of Summons against Free-holders, and every Article, Clause or Thing therein contained, shall be, and are hereby Repealed to all Intents and Purposes whatsoever.

Chap. 271. *An ACT for continuing the Bounty upon HEMP, Supplied.*

CHAP. CCLXXII.

An ACT prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases.

WHEREAS divers Statutes having been made concerning the Affirmations or Declarations allow'd, instead of Oaths, to the People call'd *Quakers*, but the Inconveniencies to them, and others (requiring their Testimony and Service in many Cases.) not being sufficiently avoided, by Reason of Difficulties which happened relating to the Forms of the Declaration, Affirmation, and Abjuration prescribed by the said Statutes, it pleas'd the King and Parliament of *Great-Britain*, by another Statute (made in the Eight Year of the King's Reign) to grant further Ease and Relief in that Behalf, by enacting other Forms of Affirmation or Declaration for the said People.

Now forasmuch as the Legislature of *Great-Britain*, upon Five and Twenty Years Experience, were pleas'd to Acknowledge in the said Statue of the Eight of King *George*, that the said People call'd *Quakers* had given Testimony of their Fidelity and Affection to his Majesty, and the Settlement of the Crown in the *Protestant Line*, and had not abus'd the Liberty and Indulgence allow'd them by Law; and since the like Testimony may be given concerning the said People inhabiting this Province; and that those that conscientiously scrupled the Forms of the Affirmation or Declaration heretofore us'd, are Persons of like Probity and Justice with those who were not under that Scruple, and should be oblig'd to bear the Burthen of Government, and serve their Country as well as their Neighbours; it would be reasonable to put them in a Capacity so to do. May it therefore please the Governour that it may be Enacted.

And be it Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That in all Cases where by Law, any of the said People call'd Quakers, is or shall be, required, or permitted to make and subscribe the Declaration of Fidelity, in the Form prescribed by the Statute made in the first Year of the late King William, and Queen Mary, Entituled, An Act for Exempting their Majesty's

Protestant Subjects Dissenting from the Church of England, from the Penalties of certain Laws Or in the Form prescribed by any Law of this Province, or to make the solemn Affirmation or Declaration in the Form prescribed by a Statute made in the Seventh and Eighth Years of the said late King *William*, Entituled, *An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form*; or in the Form prescribed by any Law of this Province, or to take the Effect of the Abjuration Oath in the Form prescribed by a Statute made in the first Year of the present King's Reign, every such *Quaker* shall, instead of such first mentioned Declaration of Fidelity, make and subscribe a Declaration of Fidelity, in the following words, *viz.*

The Form of Declaration of Fidelity.

I A. B. do solemnly and sincerely Promise and Declare, That I will be True and Faithful to King George; and do solemnly, sincerely, and truly Profess, Testify and Declare, that I do from my Heart Abhor, Detest and Renounce, as Impious and Heretical, that wicked Doctrine and Position, That Princes excommunicated or Deprived by the Pope, or any Authority of the see of Rome, may be deposed or murdered by their Subjects, or any other whatsoever. And I do Declare, that no Foreign Prince, Person, Prelate, State or Potentate; hath, or ought to have, any Power, Jurisdiction, Superiority, Prebeminence, or Authority, Ecclesiastical or Spiritual, within the Realm of Great-Britain, or the Dominions thereunto belonging.

And instead of the solemn Affirmation or Declaration in the Form prescribed by the said Act of the Seventh and Eighth Years of the Reign of the late King *William* the Third, and by a Law of this Province made in the first Year of King George, every such *Quaker* shall make the following solemn Declaration or Affirmation, to be Administer'd by a Question put as followeth, *viz.*

The Affirmation.

DOST thou A. B. solemnly, sincerely and truly Declare and Affirm;

Adding the proper words; which the Affirmant is to answer or Assent unto according as the Case or Occasion may require, which said Assent shall be expressed by the Affirmants answering *Tea* or *Yes*.

And instead of the Form prescribed by the said Act of the first Year of the present King's Reign, for the Effect of the Abjuration Oath, every such *Quaker* shall take the Effect thereof, in the following words, *viz.*

I A. B. do Solemnly Sincerely and Truly Acknowledge, Profess Testify and Declare, that King George, is lawful and rightful King of the Realm of Great-Britain and of all others his Dominions and Countries thereunto belonging; and I do Solemnly Sincerely Declare, That I do believe the Person pretending to be Prince of Wales, during the Life of the late King James, and since his Decease pretending to be and taking upon himself, the Stile and Title of King of England, by the Name of James the Third; or of Scotland, by the Name of James the Eighth, or the Stile and Title of King of Great-Britain, hath not any Right or Title whatsoever to the Crown of the Realm of Great-Britain, nor any other the Dominions thereunto belonging. And I do renounce and refuse any Allegiance or Obedience to him, and I do solemnly Promise, That I will be True and Faithful, and bear true Allegiance to King George, and to him will be Faithful against all Traiterous Conspiracies, and Attempts whatsoever which shall be made against his Person, Crown and Dignity; and I will do my best Endeavour to disclose and make known to King George and his Successors, all Treasons and Traiterous Conspiracies which I shall know to be made against him, or any of them. And I will be True and Faithful to the Succession of the Crown against him the said James, and all other Persons whatsoever, as the same is and stands settled by an Act, Entituled, An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown to the late Queen Anne, and the Heirs of her Body being Protestants; and as the same by one other Act Entituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands Settled and Entail'd, after the Decease of the said late Queen, and for Default of Issue of the said late Queen, to the late Princess Sophia, Electress and Princess Dowager of Hanover, and the Heirs of her Body being Protestants. And all these Things I do plainly and sincerely Acknowledge, Promise and Declare, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Renunciation and Promise heartily, willingly and truly.

*The Effects of the
Abjuration Oath.*

And all Persons Authorized or required to Administer or tender either the said former Declaration of Fidelity, or the said former solemn Affirmation or Declaration, or the former Effect of the Abjuration Oath aforesaid, shall be and are hereby authorized and required to Administer and tender the same respectively to the said People called Quakers, in the Words by this Act respectively appointed.

All which are allowed to Quakers.

And be it further Enacted by the Authority aforesaid. That the Declaration of Fidelity and the Effect of the Abjuration Oath appointed by this Act, for the said People, called *Quakers*, instead of the respective Forms prescribed for the same by the abovementioned Acts, shall respectively be adjudged and taken to be of such and the same Force and Effect, and no other, to all Intents and Purposes, in all Courts of Justice, and elsewhere, as if such *Quakers* had made and subscribed the Declaration of Fidelity, or had taken the Effect of the Abjuration Oath in the respective Form, appointed by the said recited Acts.

And that the Affirmation or Declaration by this Act appointed to be made instead of the Affirmation or Declaration in Form prescribed by the said Act of the Seventh and Eighth Years of the Reign of the late King *William* the Third, and instead of the Form prescribed by the said Law of this Province, made in the first Year of the present King's Reign, shall be made by the said People called *Quakers* as Occasion may require, whether it be for giving Evidence or for Qualifying the Affirmants to serve in General Assemblies, or to be Justices, Officers, Inquests or Jury-Men, or for any other Matter, Cause or Thing whatsoever, wherein Oaths are or shall be required. And that the said Affirmation or Declaration by this Act prescribed, shall be adjudged and taken, and is hereby Enacted and Declared to be of the same Force, and as available in Law to all Intents and Purposes, as an Oath in all Courts of Justice, and other Places, whereby Law, an Oath is required.

And if any Person making such Affirmation or Declaration, as is appointed by this Act to be made instead of the Affirmation in the Form prescribed by the aforesaid Act of the Seventh and Eighth Years of the Reign of the late King *William* the Third, and instead of the Form prescribed by our said Law, made in the first Year of King *George's* Reign, shall be lawfully Convicted of wilful, false and corrupt Affirming or Declaring any Matter or Thing, which, if Sworn in the common or usual Form, would have amounted to wilful and corrupt Perjury, every such Person so Offending shall incur and suffer such and the same Pains, Penalties and Forfeitures, as are Inflicted or Enacted by the Laws and Statutes of *England*, against Persons convicted of wilful and corrupt Perjury.

Who corruptly Affirming any Matter or Thing &c. shall incur the same Penalties as Persons convicted of wilfull Perjury.

Provided always, That nothing herein contain'd shall be deemed to Repeal or Disannul the Law of this Province, passed in the Fourth Year of the King's Reign, that now is, Entituled, *An Act for the Advancement of Justice and more*
certain

certain Administration thereof, except such Part thereof concerning which other Provision is made by this Act.

Provided also, That this present Act shall not be put in Execution until the King's Pleasure be known concerning the same.

Nevertheless, It is hereby Enacted and Declared, That the said Statute made in the Eighth Year of the present King's Reign, Entituled, *An Act for Granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under, shall be duly observed and put in Execution in this Province, and be of like Force and Effect as it is in England, and as if the same were here Repeated and Enacted.*

T HIS Act was Ratified and Confirm'd by the KING in Council the 27th of March 1725, and Published by the Governor's Order at Philadelphia, the 24th of June, 1725.

CHAP. CCLXXIII.

An ACT for the better securing the City of Philadelphia, from the Danger of Gun-Powder.

FORASMUCH as the City of *Philadelphia*, is destitute of any Magazine, or other suitable Repository, for the safe keeping of *Gun-Powder*; which being a Commodity of good Consideration, in the Trade of this Province; the Merchants and Traders are frequently reduced to the Necessity of keeping it on Ship-Board, within the Port of the said City, or to deposite the same in Stores or Shops, too often within the Access of Sailors and Servants, to the manifest Danger of the People of the said City, in their Persons and Estates.

And, Forasmuch as *William Chancellor* of the said City *Sail-maker*, by the Recommendation of divers of the Magistrates, as well as Merchants, and others of the said City, hath undertaken to Build a suitable *Powder-House* or Store for the Receipt of all the *Gun-Powder* which shall or may be Imported into the said City, on a Piece of Ground, he lately Purchased from *Daniel Pegg*, lying near the *North-End* of the said City,

City, adjoining to a Swamp on the *South-Side*, and upon the King's High-Road, on the *East-End* thereof.

Be it therefore Enacted by Sir William Keith, Baronet, Governour of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That the said William Chancellor his Heirs Executors or Assigns shall, at his and their proper Costs and Charges, cause to be well Erected and Built, a good substantial, tight and secure Powder-house, or Store for Gun-Powder, of Brick or Stone, on the Piece of Ground aforesaid, within Three Months next ensuing the Publication of this Act; to be well boarded and covered, and so fit and capacious, as may reasonably be expected will contain all the Gun-Powder, to be from Time to Time, imported into the said City. Wherein he the said William Chancellor his Executors and Assigns shall lay up, and Store all the Gun-Powder to be, from Time to Time, imported, or brought into the said City which shall come to his or their Receipt, pursuant to the Direction of this Act; and for which he and they shall be accountable to the Owners or Deliverers thereof; (Lightening and other unavoidable Accidents excepted) and shall also cause daily Attendance to be given, at the Powder-Store aforesaid, betwixt the Hours of Nine and Eleven in the Morning, and One and Three in the Afternoon, for Delivering out the said Commodity; and also at all Times, on due Notice given, for Receiving thereof, at the nearest and most convenient Landing to the said Lot of Ground, and immediately upon his receiving into his Custody, any Quantity of Powder as aforesaid, he shall pass his Receipts in Writing for the same, Expressing the Quantity of Powder, and describing the Marks and Numbers of the Cask.

William Chancellor
for to build a Powder
Store,

Within 3 Months

And shall Store
all the Gun-Powder
imported, and be ac-
countable for the
same.

And shall attend
at 9 11, and 1 and 3
o'clock daily.

And upon Receipt
shall give Receipts.

No Person shall
keep in their Houses,
above 12 l. of Gun-
Powder,

Under the Penalty
of 10 l.

And be it further Enacted by the Authority aforesaid, That no Person whatsoever within the Precincts of the City of Philadelphia aforesaid, nor within two Miles thereof, shall, from and after the Time the Powder-Store aforesaid is so erected, and finished, presume to keep in any House, Shop, Cellar, Store or Place, of the said City; nor within Two Miles thereof, other than the Powder-Store aforesaid, any more or greater Quantity, at any one Time, than Twelve Pounds of Gun-Powder, under the Penalty of Ten Pounds, for every Offence. And whatsoever Master, Merchant, or other Person Trading or bringing into the said Port, any Gun-Powder, (other than such as shall be specially licensed in that Behalf, by the Governour of this Province for the Time being, Or shall be Commissioned by the King's Majesty, or other Authority, under the Crown of Great-Britain) shall not within the Space of Forty Eight

Eight Hours, from his first Arrival, and coming to Anchor there, upon due Notice given him, of the Purport of this Act, by the said *William Chancellor* or his Assigns, or any of his or their Deputies, or Servants, deliver all the *Powder* so brought into the said Port aforesaid, unto the said *William Chancellor*, his Executors or Assigns, He shall forfeit the like Sum of *Ten Pounds*, for every such Offence.

Every Miller &c. shall within 48 Hours deliver his Powder under the like Penalty of 10 Pounds,

And be it further Enacted by the Authority aforesaid, That the said *William Chancellor*, his Executors or Assigns, shall have and receive for Storage for *Gun-Powder*, at the *Powder-Store* aforesaid, *Twelve Pence*, per Barrel, per Month, and so proportionably for half Barrels and other Cask, for the first Six Months: And *Six-pence* per Barrel per Month and so proportionably for Half-Barrels and other Cask, for every Month, any of the said *Powder* remains in the said Store, above *Six-Months*; and likewise shall have and receive for every *Twelve Pounds* or lesser Quantity to be delivered at one Time *Six-pence*, over and above the said Storage.

The Price of Storage is 12 d. per Barrel per Month.

And 6 d. for the delivery of every 12 l. or lesser Quantity.

Provided always nevertheless, And be it further Enacted by the Authority aforesaid, That what Quantity of *Powder* soever of the Ship's Store of any Vessel, shall be so as aforesaid delivered, to be kept at the said *Powder-Store*, and shall be redemanded back again, in Order for its Exportation out of this Province; the said *William Chancellor*, his Executors or Assigns, shall cause the same to be redelivered at the nearest and most convenient Landing to the *Powder-Store*, without exacting any other Perquisite for such Redelivery, than what is herein before allowed for Storage. And if the said *William Chancellor* his Executors or Assigns, shall neglect to give due Attendance, at the *Powder-House*, aforesaid, as is herein before directed and appointed, or shall take or exact greater, or larger Sum or Sums, of Money for Storage, and Delivery of said *Powder*, than is herein before limited and appointed; He or they so offending, shall on due Proot thereof made, by one or more credible Witnesses, before any one Justice of the Peace of the City or County of *Philadelphia*,) forfeit and pay for every such Offence, such Sum of Money as the said Justice shall think fit to award, not exceeding the Sum of *Thirty Shillings* for any one Offence.

And the Ships Store of Powder, shall be delivered back without any other Fee than Storage.

Penalty on the Officer for not giving due Attendance, or exacting more than is allowed &c. shall be at the Discretion of the Magistrate, and not above 30 s.

And be it further Enacted by the Authority aforesaid, That all and singular the Penalties and Forfeitures, arising by this Act (excepting those under *Forty Shillings*) shall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no *Essoygn*, Protection or Wager of Law, nor any more than one Imparance shall be allowed.

Penalties and Forfeitures how to be recovered and how to be applied.

The

The one Moiety of which Forfeitures and Penalties shall go to the Governour, for the Support of this Government and the other Moiety thereof, to the Informer or Prosecutor, who shall sue for the same.

And be it further Enacted by the Authority aforesaid, That the Clause in an Act of Assembly of this Province (Entituled; An Act for preventing Accidents, that may happen by Fire, in the Town of Bristol, formerly called Buckingham, Philadelphia, German-Town, Derby, Chester, New-Castle and Lewis, within this Government) Enacting that no Person within the Town of Philadelphia, within Six Months next following the Publication of the same Act, presume to keep in their Houses, Shops or Ware-houses, more than Six Pounds of Gun-Powder, at one Time; unless it be Forty Peaches distant from any Dwelling, under the Penalty of Ten Pounds, for every such Offence, is hereby Repealed, and declared to be Null, Void, and of none Effect; and that this present Act shall continue in Force for and during the Term of Twenty One Years, and no longer.

A Clause in the former Law repealed.

And the Law to continue Twenty One Years.

CHAP. CCLXXIV.

An ACT for the better preventing Obstructions to the Navigation of Chester-Creek, and other Navigable Creeks and Rivers in this Province.

WHEREAS in the the Year One Thousand Seven Hundred, it was thought necessary, for the better Accommodation of the Borough of Chester, in the County of Chester, and the Inhabitants of the lower Parts of the said County, as well as Travellers, That the King's High-Road should be alter'd and brought nearer to the River, to pass through the said Borough, with a Bridge over the said Creek there, and thereupon, in Consideration of the Owners of Lands, and especially of the Mills situate on the said Creek, above the said Borough, which had been erected at great Charge, and required the same to maintain and support them, for the Benefit of Trade. An Act was passed in the said Year, that the Road should be laid out, as aforesaid, through the said Borough, and a Draw-bridge should be there built; and that a Person should attend the same, to draw it up, that Sloops and Shallops might pass to and from the said Mills; and also that for the Conveniency of Rafts of Logs, passing to the said Mills,

Recital of Part of the former Law for Erecting a Draw-bridge on Chester Creek.

Mills, the Space of Twenty Foot at least, should be left clear, between the Timber or Stone Work; which Drawbridge was accordingly Erected, but now is gone to Decay, and requires to be rebuilt or repaired.

Therefore, Be it Enacted by Sir William Keith, Bart. Governor of the Province of Pennsylvania, &c, By and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the Commissioners for the Time being, appointed for the said County of Chester, shall cause the said Draw-bridge to be rebuilt or repaired, within the Space of Twelve Months, next after the Publication hereof, according to the Dimensions in the said recited Act, and from Time to Time, shall cause it to be continued in Repair, for the Accommodation of the said Mills, and of the Owners of Lands, and Inhabitants on the Navigable Parts of the said Creek, above the Borough aforesaid, and also for the Accommodation of all such Persons, as have Occasion to pass and repass, with any Mast Vessel, through the said Bridge; who are hereby Obligated carefully to raise and lower the said Draw-bridge, so as the same may receive no Damage thereby, under the Penalty of Five Shillings for every Neglect or Offence therein.

Commissioners to Cause the said Bridge to be built within one Year.

The Person going thro obliged to raise and lower the Bridge under Penalty of 5s.

And Whereas, The Erecting of Bridges over Creeks or Rivers of Water, to the Obstructions of their Navigation where Navigable, doth not only Affect the Interest of the Owners of Land, upon and near Navigable Waters, above those Bridges, but also the Trade of this Province in General. And the better to preserve the Navigation of those Rivers and Creeks, divers Laws of this Province, have from Time to Time been Enacted, but the same upon Experience, have been found not fully to Answer the Ends thereby intended.

Bridges over Navigable Creeks declared injurious to the Trade of this Province.

Be it therefore further Enacted by the Authority aforesaid, That no Bridge, Frame or Device whatsoever, shall at any Time to come, be made, erected, upheld, sustained or repaired over any Creek or River within this Province, Navigable for any Sloop, Shallop, Flat or other Craft, that shall or may any wise Stop or Hinder the Navigation of any such Sloop, Shallop, Flat, or other Craft, or Floats of Loggs, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

No Bridge shall be Built or repaired at any Time to come over such Creeks.

Provided always, That nothing herein contained, shall be Construed to Forbid or Hinder the Maintaining and Repairing the Draw-Bridge, herein before Particularly mentioned, or any other Bridge erected by Publick Authority: Or the making of Dams, Mounds or Tide-Banks for the draining of Low-Grounds, and improving of Meadows; by the Owners or Owner of the greater Part of the Lands, Low-Grounds, or Meadows included within the same Dams, Mounds, or Tide-Banks, any Thing herein contained to the Contrary in any wise notwithstanding.

Except over Chester Creek aforesaid and bridges over other Creeks built by publick Authority.

AT a General Assembly begun at *Philadelphia*, the Fourteenth Day of *October*, in the Thirteenth Year of the Reign of our Sovereign Lord *George* King of *Great-Britain, &c.* *Annoq; Domini*, One Thousand Seven Hundred and Twenty Five and continued by Adjournment till the Twenty fifth Day of *August* One Thousand Seven Hundred and Twenty Six in the Fourteenth Year of his Majesty's Reign the following Acts were passed by Sir *William Keith* Bart, Governour of the said Province, That is to say.

CHAP. CCLXXV.

An ACT for the Re-emitting and continuing the Currency of such Bills of Credit of this Province, as by former Acts are directed to be sunk and destroyed, and for the striking and making Current 10,000 l. in new Bills, to supply those that are Torn and Defaced.

WHEREAS by an Act of General Assembly of this Province, passed in the 9th Year of His present Majesty's Reign, Bills of Credit of 15,000 l. Value, were struck and emitted; which being found to fall short of a Medium in Trade, and to supply the Exigencies of such as had Occasion to Borrow upon Securities, prescribed by the same Act; and to provide for the Support of this Government: Therefore by one other Act passed in the 10th Year of His said Majesty's Reign, Bills of Credit of 30,000 l. Value, were also struck and emitted.

And

And whereas the annul sinking and destroying the said Bills, pursuant to the same Acts, hath already considerably reduced the Quantity of this Currency; and the Bills themselves (more Especially of the lesser Denominations) daily impairing, many of them are scarce fit to pass; which inconveniencies increasing, will shortly reduce the People of this Province to great streights and difficulties, unless some proper Remedy be provided.

Reason of the annulling and of the sinking new Bills.

Therefore, may it please the Governour, that it may be Enacted, And be it Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the Province, aforesaid in General Assembly met, and by the Authority of the same, That such Yearly Quotas or Payments, (parcel of the principal Sums emitted, in Bills of Credit of this Province, pursuant to the Direction of the said Acts respectively) and such other principal Sums, which by Virtue thereof, or of any Mortgage Deed or Assurance, thereby directed to be taken, are, shall, or may be paid, recovered or received from Time to Time, from and after the 17th Day of January 1725, and before the 16th Day of January 1731, shall not be sunk or destroyed; nor shall any Part or Parcel of any such Quotas or principal Sums, in Bills of Credit, payable within the Space aforesaid, unto the Trustees nominated, or to be nominated, pursuant to the Direction of those Acts, be sunk or destroyed, as the same Acts, or either of them Direct; nor shall the said Trustees, or any of them, nor any other Person be Culpable for not sinking or causing to be sunk or destroyed any Bills of Credit, which they are by the same Acts, respectively directed to sink or to cause to be sunk or destroyed.

The Annual Quotas and parts of principal Sums formerly lent.

Payable from 1725 till 1731. nor any part thereof. shall not be sunk and destroyed nor shall the Trustees be Culpable for not sinking

Therefore be it further Enacted by the Authority aforesaid, That neither the said Trustees appointed by the two Acts aforesaid, nor any of them; nor any other Person or Persons whatsoever, shall presume to Sink or Destroy any of the said Bills of Credit, otherwise or at any other Time, than is by this Act particularly directed and appointed. Nor shall any of them or their Sureties, nor the Heirs, Executors or Administrators of any of them, suffer any Penalty, Forfeiture or Loss, for not sinking or destroying the said Bills of Credit, according to the Tenor and Direction of either of the said two Acts, made for emitting the same; but that every such Part and Parts, Clause and Clauses of the said two Acts, as are hereby altered, or concerning which, any other Provision is made by this Act; and so much of those Acts as doth or may concern, or relate to the sinking of the said Bills, and the Oaths or Affirmations required, Administred and taken by the said Trustees for discharging their said Trusts; together with the said Oaths and

Nor they nor any other Person presume to sink the same.

The Trustees discharged from sinking.

What relates to sinking the Quotas in the former Acts is repealed.

Affirmations themselves, shall be and are hereby repealed, utterly abrogated, and made Void to all intents and purposes whatsoever; any Law or Usage to the contrary in any wise notwithstanding.

And the same Quotas
and principal Sums

Shall be re-emitted
by the Trustees
of the G. L. O.

But the same Yearly *Quotas* and principal Sums in Bills of Credit, so to be paid in unto, and received by the said Trustees, or any of them, within the Time before limited, whither payable by the Provincial or any of the County Treasurers, or by the Mayor or Treasurer of *Philadelphia*, or by any Mortgager or Persons whatsoever; and every Part and Parcel of the same Sums, shall from Time to Time be re-emitted, by the Trustees of the General Loan Office of the Province of *Pennsylvania*, for the Time being, upon Loans, as herein after mentioned and appointed.

The respective
Treasurers and Mayor
of Philadelphia are
to pay in their Quotas
to the said Trustee

And it is hereby provided and Enacted, That the said Treasurers, and Mayor of *Philadelphia* aforesaid, are hereby required to Pay such of the Yearly *Quotas* and Sums, as by the said Acts they are directed to Pay, within the Time aforesaid, unto the said Trustees and none other; who are hereby required to give their Receipts for the same, which Receipts shall be sufficient discharges in the Law, the same Acts or any thing therein contained to the Contrary notwithstanding.

And the Sub-Currencies
arising from the
Re-emission shall be
re-emitted until the
31st of Jan. 1731.

And that all the Yearly *Quotas* or Parcels of the principal Sums, arising upon those Re-emissions, which shall be paid into the General Loan-Office of the Province of *Pennsylvania*, on or before the 16th Day of *January* 1731 shall by the Trustees thereof, for the Time being be re-emitted again, on Securities as aforesaid; and so from Time to Time until all principal Monies, any ways accruing, that shall be paid unto them on or before the 16th Day of *January* 1731, shall be wholly re-emitted.

All which Sums
in Bills of Credit the
Trustees shall lend
out in Sums not above
100 l. nor less than
12 l. 10 s. upon
real Securities.

Clear of Incumbrances
except the
Proprietary, &c.

And be it further Enacted by the Authority aforesaid, That the Trustees of the General Loan-Office aforesaid, shall lend out the Value of all the Bills of Credit, that they shall receive to be re-emitted, as before in this present Act directed, in Sums not exceeding 100 l. nor less than 12 l. 10 s. to any one Person, for and during all the rest and residue of the 12 Years and a half, in the said recited 30,000 l. Act limited: commencing from the Times of the same respective Loans by this present Act, to be made upon Securities of Messuages, Lands, Tenements, Rents and Hereditaments, in this Province, of which the respective Mortgagers stand seized in Fee-simple, clear of Incumbrances, (the Proprietary's Quit-Rents, and other Rents discovered to the said Trustees, issuing out of the same Securities excepted.) Of which Title and Clearness the said Trustees are

are to inform themselves, the best they can, and to observe the same Directions in the Valuation thereof, and in proportioning such Valuation to the Sums requested to be lent as the same 30,000*l.* Act before recited directeth, upon Loans thereby made: *Whereupon* the said Trustees, in pursuance of the Trust hereby committed to them, shall in the Name and Stile of the Trustees of the General Loan-Office of the Province of *Pennsylvania*, and not otherways, take and receive Deeds of Mortgage in Fee-simple, of such Messuages, Lands, Tenements, Rents or Hereditaments as aforesaid; for securing the Repayments of the Sums they lend, to be made Yearly, and every Year of the Remainder, of the 12 Years and a half aforesaid; by even and equal annual Payments; and so proportionably for the Part or Parts of a Year, as Occasion may happen, together with the whole Interest, at the Rate appointed by the said Acts. Which Deeds executed and acknowledged or proved as herein after mentioned shall Transfer the Possession, and vest the Inheritance to, and in the Trustees of the General Loan-Office aforesaid, and their Successors in Trust, in the same Manner and Form, and as fully and effectually as the said 30,000*l.* Act transferreth and vesteth the Possession, and Inheritance of, and in Lands and Hereditaments thereby Mortgage; and the Words, Grant, Bargain, and Sell in the Mortgage Deeds, hereby directed to be taken, shall amount unto and be construed, and adjudged of the same Virtue, Force and Effect, to all Intents Constructions and Purposes, in the Law whatsoever, as the Words, Grant, Bargain and Sell are in the same 30,000*l.* Act mentioned and intended to be of; and that as fully and effectually as if here again particularly repeated and exprest.

*Titles and Cleareness
S^c. Trustees to ob-
serve the Directions
of 30,000*l.* Act.*

*And in the Name
and stile of S^c. to
take Deeds.*

*And the Words
Grant Bargain and
sell as in the said
Act.*

And that the said Trustees of the General Loan-Office, as such, and in pursuance of the Trust hereby committed to them, shall also receive and take of each Mortgager, together with his Mortgage Deed, an Obligation, and Warrant of Attorney, with a Release of Errors, in the same Warrant inserted, under his Hand and Seal duly Executed; the Obligation in double the Sum borrowed and conditioned for Payment of the Mortgage Monies, according to the Proviso or Condition of the Mortgage Deed, and the Warrant of Attorney, Authorising and Impowering such Person or Persons as the said Trustees shall Direct, therein to be nominated for that Purpose, to Acknowledge or suffer Judgement; which Judgment the said Trustees for the Time being, are hereby required to cause their Attorney, to enter against such Mortgager, as shall make Default in Payment of the Mortgage Money, or any Part hereof; in the like Manner and Form, and as fully and effectually as the said 30,000*l.* Act directeth to be entered

*Each Mortgager
to give Bond with
Warrant of Attorney
& Release of Errors*

against

against such Defaulters in the sence of the same Act, to all Intents and Purposes.

The Mortgagee's Oath &c. indorsed on the Mortgage Deed.

On every of which Deeds of Mortgage, shall be endorfed the Mortgager's Oath or Affirmation, which the said Trustees or any one of them, is hereby impowered and required to Administer. Which shall be of the same Tenor, Form and Efficacy, and have the same Exceptions as the said 30,000 l. Act prescribeth Borrowers of the Sums thereby emitted on Securities.

The Mortgage deed proved and then to be recorded.

And the same Mortgage Deeds (for the better Preservation of Securities hereby directed to be taken) being so Executed as aforesaid, and acknowledged by the Mortgager; or proved by two of the Witnesses, to the Execution thereof, before any Justice of the Peace, of any County of this Province, shall be entered at large, in Books of Royal or other large Paper, well covered or bound, to be provided and kept, by and at the proper Charge of the Trustees; which Deeds so Entered, shall be, and are hereby declared to be Matter of Record, and an attested Copy of any such Entry, certified under the Hands of the said Trustees, for the Time being, or any Three of them, shall be and is hereby declared to be good Evidence, to prove the Sale or Mortgage thereby mentioned to be made; and the same may be shewed pleaded and made use of accordingly.

The Trustees Receipt indorsed for each payment.

And be it further Enacted by the Authority aforesaid, That each Payment of Mortgage Monies, inserted in any Mortgage Deed hereby directed to be taken, being paid, the Trustees or any of them shall indorse on the Deed, a Receipt for the same under his or their Hand, and so from Time to Time, until the whole Sum lent, with the Interest accruing, be fully Paid and Satisfied; and upon full Payment and Satisfaction (which the Mortgagor his Heirs, Executors or Administrators may make of the Principal Sums lent, at any Time, before Forfeiture and Sale of the Mortgaged Premises, with Interest to the Time of such Payment, at the rate aforesaid) the Mortgage shall be Released and Delivered by the Mortgages, thereof; from which Time, the Lands and Hereditaments so Mortgaged, shall be forever Acquitted and Discharged, and the Mortgagees shall thereupon make an Entry in the Margin, of the Inrollment of such Mortgage Deed, of the Day and Time of such Release and Discharge: For which there shall be paid by the Mortgager the Sum of *Six-pence* and no more. An attested Copy of which Entry, certifi'd by the Trustees of the said General Loan-Office, or a Majority of them, shall be as Valid and Effectual as their Reconveyance of the Mortgaged Premises made and executed, in due Form of Law,

And to pay Six pence for the same.

may

may or can be to the Morgagers their Heirs and Assigns respectively.

Provided always, That until some Default shall be made, in Payment, by the respective Morgagers it shall be lawful for them, and their Heirs, to hold and Enjoy the Mortgaged Premises, with the Appurtenances, the Mortgage Deeds or any thing therein to the Contrary notwithstanding.

The Mortgagee to hold till Default in Payment.

But if any Default shall be made, or suffered of, or in Payment of any of the Yearly Sums herein before mentioned, whether in Part of Principal or Interest, which any of the Morgagers (by this present Act) their Heirs, Executors, Administrators or Assigns, should or ought to have paid, at any of the Days Time or Place, in and by their Respective Mortgage Deeds, to be particularly Specified, then and so often, and in any such Case, it shall and may be Lawful, for the said Trustees for the Time being, at their Discretion to take their Remedy, and proceed for recovery of the Mortgage Monies, according to the Provisoes or Conditions, in the Mortgage Deeds respectively contained; or by any such ways or means, as are particularly directed, in and by the said 30,000*l.* Act, for recovery of Sums thereby Emittid; with and under all and singular the like Provisoes, Conditions and Limitations, thereby directed, as if the same were here again particularly enumerated and expressed, And the Sales and Assurances by this Act to be made, shall be of the same Force and Effect to the Purchasers, and as Valid and Conclusive against all other Persons, as any Sale by that Act directed to be made, may or can be, to all intents and purposes in the Law whatsoever.

Upon Default by the Trustees are to proceed.

As in the Thirty Thousand Pound Act,

And be it Enacted by the Authority aforesaid, That Indented Bills of Credit, to the Value of 10,000*l.* Current Money of America, according to an Act of Parliament made in the sixth Year of the Reign of the late Queen Anne; referred to by the said two Acts; with Counter-parts of the same Bills, shall be prepared and printed, before the 25th Day of March next ensuing, on good Paper; under the Care and Direction of the Trustees of the said General-Loan-Office; but at the Charge of the Province, to be paid by the said Trustees, or by the Provincial Treasurer by their Order.

Under the Care of Trustees.

And be it further Enacted by the Authority aforesaid, That the said Bills shall severally contain therein, the Sums hereafter respectively mentioned, and no other: That is to say, Nine Thousand of the same Bills, the Sum of One Shilling in each of them: Ten Thousand of the same Bills, the Sum of One Shilling and Six-Pence in each of them: Three Thousand of

*Denominations
of the said Bill.*

of the same Bills, the Sum of *Two Shillings* in each of them: *Eight Thousand* of the same Bills, the Sum of *Two Shillings* and *Six Pence* in each of them: *Twenty Thousands* of the same Bills, the Sum of *Five Shillings* in each of them: And *Five Thousand* of the same Bills, the Sum of *Ten Shillings* in each of them. And the said Original Bills, shall have the same Arms impressed thereon, and be of the same Tenor and Form, as Original Bills of the Denominations respectively are directed, and appointed to be of, by the said recited *Thirty Thousand Pound Act*: Save only the Difference in the Date, and Names of the Signers thereunto subscribed.

And that all and singular the Bills, which shall be made and issued, in pursuance of this present Act; and all and singular other the Bills of Credit of this Province, issued in pursuance of the said Recited Acts of Assembly respectively; which hitherto remain unsunk, shall in all respects have the same Currency, and be of the same Effect in Law and Equity, with respect to Payments, Tenders, or bringing the same into Court for performance of any Contract, Bargain or Promise whatsoever; and to all other intents and Purposes, as any other Bills of Credit Emitted by Virtue of the said *Thirty Thousand Pound Act*, may can or ought to have, and be of.

*And that Persons
in any ways invalu-
ing the said Bills
shall incur like Pe-
nalities as per said
act.*

And that Persons offering to sell Goods, or Chattles, Lands or Tenements, or refuse to sell, or ask a greater Value for the same, unless paid in Silver Gold or other Specie whatsoever; and not in the Bills of Credit made Current by this present, and those former Acts, or any of them, shall incur the same Penalties, as Persons in the like Cases ought to incur, by the said *Thirty Thousand Pound Act*.

*The Discoverer's
Reward*

And that whatsoever Person or Persons shall presume to Forge, or Counterfeit any of the said Bills of Credit, issued in pursuance of this present, or either of the said former Acts; or shall be aiding, or assisting therein, or shall enlarge the Value, or Sum expressed in any of the said Bills, or shall utter or cause to be uttered, or offered in Payment any such Bill or Bills, knowing the same to be actually forged, counterfeited, or the Sum or Value therein altered, with an Intent to Defraud any other Person; he, she or they, so offending, and being thereof legally convicted, shall for every such Offence, incur and suffer the same Pains and Penalties respectively, as Forgers or Counterfeiters of Bills, are, by the said *Thirty Thousand Pound Act*, directed to Incur and Suffer: And the Discoverer or Prosecutor by Virtue of this present Act, shall be paid and satisfied his Damages with Costs and Charges of Prosecution, in like manner, as the Discoverer Prosecutor

Prosecutor, by Virtue of the same *Thirty Thousand Pound Act*, is, or ought to be paid, and satisfied. And that no Suit or Prosecution whatsoever to be commenced, or brought against any Person or Persons, in Order to recover any the said Penalties, be stay'd before Judgment or Conviction.

And be it further Enacted by the Authority aforesaid, That each of the said new Bills, to be made by Virtue of this Act, shall be signed and numbered, by the Persons hereby appointed Signers of the same Bills: (To Wit.) *Evan Owen, John Wright and Thomas Trefse*; and if any of the said Signers shall happen to Dye, or be rendered incapable of doing his Duty, required by this Act, the Assembly, for the Time being shall appoint other Persons to supply such deficiencies, from Time to Time, until all the Bills to the said Value of *Ten Thousand Pounds* shall be signed, and together with their Counter-parts numbered and delivered as this Act Directs.

In Case of Death &c. how to be supplied.

But before any of the Persons before nominated, or hereafter to be appointed Signers of Bills of Credit, by Virtue of this Act, presume to Act therein, they shall take an Oath or Affirmation, before any one Justice of the Peace, of the City or County of *Philadelphia*, who is hereby impowered and required to Administer the same; charging them jointly and severally, that they will Well and Truly Sign, and Number the said Original Bills of Credit; and Number their Counter-parts, that shall come to their Hands for that Purpose, by the Direction of this Act: and the same so signed and numbred, will deliver or cause to be delivered, to the Trustees of the General Loan-Office of this Province, pursuant to the Directions of the same Act.

And their Qualifications.

And be it further Enacted by the Authority aforesaid, That the said Trustees within Ten Days after the said new Bills and Counter-parts are prepared, and deposited with them, as by this Act is directed, shall deliver out at the Place, where they keep the said Loan-Office, the Value of *One Thousand Pounds*, out of the said *Ten Thousand Pounds* to the Signers hereby appointed, who having signed and numbered the Original Bills, so delivered them, and truly numbered the Counter-parts thereof, shall immediately re-deliver them to the said Trustees, who shall thereupon give their Receipts for the same.

Trustees to deliver to the Signers One Thousand Pound in Bills or signed.

And after the said Bills, to the Value of *One Thousand Pounds* aforesaid, are exchanged by the said Trustees, as this Act directs; then the Trustees of the said Loan-Office for the Time being, shall within Ten Days next after, deliver out at

R: s

their

Until the whole be delivered and signed by 1,000 l. at a Time, the Trustees to keep the Counter-parts.

their said Office to the Signers of Bills for the Time being; the further Value of *One Thousand Pounds* more of the said *Ten Thousand Pounds*: Who having signed and numbered the Original Bills so delivered them, and numbered the Counter-parts thereof, shall immediately re-deliver them to the Trustees; who shall thereupon give their Receipts as above said; and so from Time to Time, till the whole Value of the said *Ten Thousand Pounds* by delivering, signing, numbering and re-delivering *One Thousand Pounds* Value, at a Time, shall be exchanged as this Act directs; and the said Counter-parts, so numbered and re-delivered as aforesaid, shall be kept by the said Trustees, for trying the Truth of their Originals when there shall be Occasion.

The Reward for the Signers of each 1,000 l.

And the said Signers shall cause to be kept, a true Account of all the Bills they so respectively Sign, and Deliver as aforesaid; and for their Care and Trouble required of them by this Act; the Signers of each *Thousand Pounds* Parcel shall Receive *Three Pounds* a-piece, in six Days after their delivery thereof, with their Counter-parts as above directed; to be paid by the Trustees for the Time being, unto each Signer, his Executors, Administrators or Assigns.

Trustees Title, Succession, Capacities

And be it Enacted by the Authority aforesaid, That the said Trustees shall be stiled, as heretofore the *Trustees of the General Loan-Office of the Province of Pennsylvania*; and shall have Succession, and the same Capacities and Powers for putting this present, and those two other Acts in Execution, to all Intents and purposes, as in the said *Thirty Thousand Pound Act* is contained and settled, for putting the same in Execution: Subject nevertheless, to all and singular the Provisoos, Alterations, Limitations and Restitutions, in and by this present Act provided and enacted.

The two former Acts confirmed, except where the same is hereby altered &c.

And it is hereby further Provided and Enacted, That every Article, Clause and Sentence in the said two former Acts respectively, (except such Clauses and Parts thereof, as are hereby altered, supplied, or concerning which, other Provision is hereby made) shall be and are hereby declared and enacted, to be of full Force and Virtue, in the Law.

Trustees to give Bond,

And be it further Enacted by the Authority aforesaid, That before any of the said Trustee or Trustees, for the Time being, shall be in, or enter upon the Execution of the Trust, by this Act required, they shall each of them enter into a Bond, to the Provincial Treasurer of this Province, for the Time being, in the Penalty of *Five Hundred Pounds*, conditioned for the due Observance of all Things required of him, in performance

mance of the Trust reposed in him by this present Act; and shall each of them, also make Oath or Affirmation before any Justice of the Peace, of the City or County of *Philadelphia*, who is hereby impowered and required to Administer the same; that to the best of his Skill and Knowledge, he will faithfully, impartially, and truly demean himself, in the Discharge of the Trust, committed to him, by this present Act; as also in the Discharge of the remaining Part of the Trust committed to him, by the said two recited Acts; so as none may be prejudiced by his consent, privity or procurement.

And take this
Qualification.

And that the said Trustees, assuming upon themselves the Execution of the Trust by this present Act required of them, shall be allowed for their Service and Trouble therein, at and after the Rate of *Twenty Pounds* per Annum each, added to their Salaries hereafter accruing by the said former Acts: Payable to each of them in Bills of Credit of this Province, for and during the Continuance of the said *Thirty Thousand Pound* Act: And that they the said Trustees, or any Two of them shall duly attend at the said Loan-Office, the first third Day of the Week called *Tuesday*, in the Months called *March, May, July, September, November*, and *January* Yearly, for receiving the Sums to be paid in, pursuant to this, and the said two former Acts respectively; and for emitting the Sums to be lent by the Direction of this present Act; until all the *Quotas* to be paid in pursuant to this, and the said former Acts be re-emitted, and afterwards at such Times as the Trust and Service of the Publick may require them, during the Continuance of the said *Thirty Thousand Pound* Act: And that the said Trustees or one of them, or some other Person under their Direction, and for whom they shall be accountable, shall duly attend at the Place where the said Office is kept, on the first fourth Day of the Week, called *Wednesday* in every Month, then and there, to deliver out new Bills of the *Ten Thousand Pounds* Value, hereby directed to be struck, to such Persons as demand them in Exchange, and in Lieu of such torn and defaced Bills, as the said Trustees, or any of them shall Judge to be genuine Bills of this Province; and of Equal Value with those they so give in Exchange, until the whole *Ten Thousand Pounds* Value aforesaid be wholly Exchanged: Which torn and defaced Bills, being kept by the said Trustees, shall by them be produced, for their Vouchers to discharge themselves of the *Ten Thousand Pounds* Value aforesaid; before any Committee of Assembly, to be appointed Auditors of the said Trustees Accounts; who shall thereupon cause the said torn and defaced Bills to be sunk and destroyed.

And attend their
Office the first *Tues-*
day every of the Month
for: Emitting the
Quotas.

And the first *Wed-*
nesday every Month,
to exchange the Bro-
ken Bills, until the
whole 10,000 l. be
exchanged and the
said broken Bills
shall keep for their
Vouchers.

The Clerk of the Loan-Office to deliver a List of the Securities to the Assembly Yearly.

And that the Clerk herein after appointed, shall once a Year, make out a List of the Securities, by this Act directed to be taken; containing the Persons Names, to whom the Sums are lent, and the Times when; and the same Lists shall Submit and Deliver to the Assemblies of this Province, for the Time being, from Time to Time, until all the Sums hereby Directed to be emitted, be wholly comprehended and delivered.

A Committee of Assembly to be Auditors of the Accounts of the Trustees.

And be it further Enacted by the Authority aforesaid, That any Committee of Assembly of this Province, being appointed Auditors of Accounts of the said Trustees; the same Auditors for the Time being shall once in every Year, or oftner call the said Trustees to Account, for all the Monies in Bills of Credit, they shall Receive, Recover and Pay, Exchange or Emit, in pursuance of this Act; and all the Interest to be received, upon Securities hereby directed to be taken (whether the same Interest accrue, on or before the said Sixteenth Day of *January Anno Domini 1731*, or afterwards) being Accounted for, and the Salaries and Charges allowed by this Act, being deducted; they the said Trustees shall dispose thereof, as the Assemblies of this Province shall from Time to Time, Order and Direct.

The Quotas of all principal Sums paid in after 1731. to be sunk and destroyed.

And that all the Yearly Quotas, or Parcels of the Principal Sums, which shall or ought to be paid in, into the said Loan-Office aforesaid, at any Time after the said 16th Day of *January 1731*. remaining in the Hands of the Trustees thereof, for the Time being, shall within Ten Days after every such Audit, be sunk and destroyed, by and in the presence of the same Auditors respectively; they having first compared the Original Bills, with their Counter-parts, as they shall have Occasion; and Entered the Numbers and Value of each Bill, so destroyed into a Book, to be kept for that Purpose.

Charles Brockden Nominated Clerk of the G. L. Office His Duty.

And be it further Enacted by the Authority aforesaid, That *Charles Brockden* of *Philadelphia*, shall be and is hereby Nominated, and appointed to be Clerk of the General Loan-Office hereby erected during the Continuance of this Act; to Advise and Assist the Trustees thereof, in and about the Titles aforesaid; and for the devising and preparing of the Mortgage Deeds, and Writings of the Mortgagers, herein before directed to be given; and for Recording of the same Mortgage Deeds, And in Case of the Removal of the said *Charles Brockden*, by Death or otherwise, the said Trustees from the Time being, shall appoint a fit Person to supply his Place; and so from Time to Time during the Continuance of this Act, as often as there shall be Occasion: which Persons so to be nominated, shall thereupon Act in that Station, until the General Assembly

of

of this Province, for the Time being, disapprove such Appointment, by nominating another in his stead, any Law or Usage to the contrary Notwithstanding. And that the said Clerk for his Trouble, Care and Diligence, shall have and receive of every Mortgagor, the like Fees and Perquisite's, as the said *Thirty Thousand Pound Act* Specifieth, and Directeth, to be paid in like Cases, to the Clerk thereby directed to be chosen. But before the Person hereby nominated, or hereafter to be elected Clerk aforesaid, shall enter upon the Execution of his Duty aforesaid, he shall enter into Bond, to the Provincial Treasurer for the Time being, in the Penalty of *Five Hundred Pounds*: Conditioned for the due Observance of all things required of him, by this Act; and shall also take and Oath or Affirmation, before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to Administer the same; that he shall truly, and faithfully perform and Execute the Office and Duty, that is directed and required of him by this present Act; and that he will keep a just and true Account of the Names of all such Persons as shall apply unto the Loan-Office aforesaid, for Bills of Credit; and will Prepare and Record the Deeds of Mortgage, in the same Order of Time, as their Applications are made, without any undue Preference, unnecessary Delays, or fraudulent Practice.

His Fees.

And take this Qualification

And be it further Enacted by the Authority aforesaid, That after all the Sums, and Bills of Credit, to be received by the Trustees of the General Loan-Office aforesaid, are so by them accounted for, and sunk, pursuant to the Direction of this Act; the same Trustees and Trustees for the Time being, their Heirs, Executors and Administrators, and every of them, shall, thenceforwards stand, and forever be clearly discharged, and acquitted of, and from all manner of Obligations, Securities, Actions, Causes of Actions, and of and from all further or other Accounts and Demands whatsoever to be made, or rendered by them, of or for any Trust, unto them Committed, or any thing by them done, in pursuance of this Act.

When — the Trustees shall be finally discharged.

Chap. 276. *An ACT for laying a Duty on Negroes, imported into this Province. Expired the 25th of March.*

CHAP. CCLXXVII.

An ACT for the better Enabling of Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart, and Ulrick Hageman, to Trade and hold Lands in this Province.

*Recital out of the
Royal Charter grant-
ed to the Proprietor
Wm. Penn, Esq;*

WHEREAS by the Royal Charter of the late King *CHARLES* the Second to *William Penn, Esq;* late Proprietary and Governour of the Province of *Pennsylvania*, Licence is granted to all Persons, not specially forbidden, to Transport themselves and Families, into the said Province, in such Shipping as by the Laws of the Kingdom of *England*, they ought to use, Paying the Customs therefore due, and here to Settle themselves, Dwell and Inherit, and Plant for the Publick, and their own private Advantage; with Licence to Purchase and hold Lands in Fee-simple, or otherwise of the said Proprietary and his Heirs, with full Licence to all Persons who, shall from Time to Time, repair hither with a purpose to Inhabit, or Trade with the Natives of this Country; to Load, Freight and Transport, all and Singular their Goods, Wares and Merchandizes, not Prohibited by the Laws and Statutes of *England*, into any Ports whatsoever of the said late King, his Heirs and Successors, according to the Laws made, or to be made within the said Kingdom of *England*. *Saving always to the said late King his Heirs and Successors the Legal Impositions, Customs or other Duties, due or to become due, by any Law or Statute for the said Wares or Merchandizes; as by the said Royal Charter (amongst other things) may more fully appear.*

*Said Persons born
under the Allegiance
of Emperor of Ger-
many and of the
Protestant Religion
considering the Hap-
piness of an English
Constitution.*

And whereas the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart and Ulrick Hageman*, were born under the Allegiance of the Emperor of *Germany*, now in Amity with the King of *Great-Britain*: And being of the Protestant or Reformed Religion, and desirous to come under the Power and Protection of his British Majesty, have Transported themselves with their Effects, into this Province; and duly considering the Happiness of being Governed by a Constitution, agreeable to the Laws, Rights and Liberties of *England*; and desiring to be made partakers of these immunities, belonging to *the*

the Natural born Subjects of this Province; and be more effectually Secured of those Privileges and Advantages granted by his said late Royal Majesty King Charles the Second, to Persons coming into this Province, to Settle and Inhabit: They the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart, and Ulrick Hageman*, having on the 6th Day of December 1725. in the General Quarter-Sessions of the Peace, of our Lord the King that now is, held at *Philadelphia*, in the said Province, taken and subscribed, the several Qualifications required by Law, to be taken and subscribed, by his Majesties Liege Subjects; obtained leave to bring in this Bill, to the present Assembly.

And having taken the Qualification required by Law.

Now forasmuch, as the Increase of People, in these Foreign Plantations, is an Encouragement to the English Trade, and a means of advancing the Wealth and Strength of the English Empire, Therefore, may it please the Governour, that it may be Enacted, *And be it Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same.* That the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart, and Ulrick Hageman*, are hereby declared, and shall at all Times hereafter be esteemed, and taken to all intents and purposes, to be and to have been, since their first Arrival in this Province, Free and Fully able, and capable to Trade, Traffick, Load, Freight and Transport, all and all manner of Goods, Wares and Merchandizes, not by Law prohibited to be imported, or exported; as if they the said, *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart, and Ulrick Hageman*, had been the Natural Liege People, and Subjects of the King of Great-Britain, born in this Province of *Pennsylvania*.

They are declared to be as free, as if they had been the Natural Subjects of G. Britain, and born in this Province.

And be it further Enacted by the Authority aforesaid That the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart, and Ulrick Hageman* shall and are hereby enabled, and adjudged able to all Intent Constructions and Purposes whatsoever, as well to demand, take, have, retain, and enjoy, any Privileges and Immunities belonging to his Majesties Liege People, and Natural Subjects of this Province: as also to have and Enjoy all Lands and Tenements, or other Hereditaments by way of Purchase, or Gift, of any Person or Persons whatsoever, and also to Prosecute, Pursue, Maintain, Avow and Justify all, and all manner of Actions, Suits and Causes, and all other things to do, as Lawfully, Freely and Fully, as if they the said *Bernhard Vanleer, Arent*

And to Enjoy all other Privileges, and immunities, as to Purchase and Enjoy Land, &c.

Arent Haffert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart, and Ulrich Hageman, had been, and were born Natural Subjects of this Province, or as any other Person or Persons born within this Province may Lawfully in any wise do, any Law, Custom or Usage to the Contrary thereof in any wise notwithstanding.

CHAP. CCLXXXVIII.

An ACT for the better Regulating of Negroes in this Province

WHEREAS it too often happens, that Negroes commit Felonies, and other heinous Crimes, which by the Laws of this Province, are Punishable by Death; but the Loss in such Case falling wholly on the Owner, is so great a hardship, that sometimes may induce him, to conceal such Crimes, or to convey his Negroe to some other Place, and so suffer him to Escape Justice; to the ill Example of others to commit the like Offences, for Remedy whereof, *Be it Enacted by Sir William Keith, Bart. Governor of the Province of Pennsylvania, &c, By and with the advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Negroe, owned by any of the Inhabitants of this Province, shall hereafter be convicted of any Capital Crime, for which he or she shall suffer Death; the Justices, with the Free-holders, before whom, he, or she shall be Convicted, shall immediately upon such Conviction, value such Negroe; which value, by them set, shall be allowed and paid to the Owner, out of the Duties, Fines and Penalties, arising from this, and one other Act, laying a Duty on Negroes imported into this Province, and no otherways; and the Provincial Treasurer, is hereby impowered and required, to Pay the same, by Order under the said Justices Hands; which said Order, they are hereby required to make, Seal and Deliver to the Owner of any Negroe, Executed as aforesaid.*

The Introduction.

Negroes put to Death.

By Order on the Provincial Treasurer.

And be it Enacted by the Authority aforesaid, That from, and after the Twenty fourth Day of June, 1726. for every Negroe imported, or brought into this Province, from the West-Indies, or any other Place; who shall, or have been Transported, or sent away, for being principal, or accessory to any Felony, or grand or petty Larceny, or other Misdemeanours; there shall be paid by the Owner, importer or possessor, the Sum of Five Pounds, over and above the Five Pounds Duty, laid

laid by an Act of Assembly of this Province, passed this Sessions, Which said Duty shall be paid, to the Officer appointed to Collect and Receive the said Duty imposed by the said Recited Act. And all Masters of Vessels, or others bringing into this Province, any such Negroes, shall within the space of Twenty four Hours make Entry, and upon Oath or Affirmation, give a true Account to the said Collector, of the Number of Negroes, by him or them imported or brought in; and to whom they respectively belong; whereupon the said Officer shall forthwith give Notice thereof, to any one or more of the Justices of the Peace, for the City or County where such Negroes are, or shall be imported, which Justice or Justices are hereby impowered; and required immediately, by Warrant or otherwise to call before him or them the said Master, Owner or other Person or Persons importing such Negroes as aforesaid; and to Examine him or them, upon Oath or Affirmation, in Order to discover which, or how many of the said Negroes are liable to the said Duty of *Ten Pounds* per Head; and then the said Justice or Justices shall deliver, or cause to be delivered to the said Collector, a Certificate or List of the Number of Negroes so imported, which shall appear to them, or as they shall Judge to be, within the meaning of this Act; and thereupon the said Officer shall proceed to Collect, and recover the said Duty; or take Bond for the same. And all Masters of Vessels, and others bringing into this Province any such Negroes, as likewise the said Collector, and all other Persons, shall, and are hereby required to observe, and comply with the Directions of the said Act, in and about the Execution of this Part of this Act; and under the same Exceptions, Restrictions and Penalties as is appointed, and set down in and by the said Recited Act, excepting where the same is hereby expressly altered or supplied.

All Masters sh^d enter their Negroes within 24 Hours, with the Collector, who shall immediately give Notice thereof to one or more Justices, &c.

And the Justices shall proceed to Examine &c. and then give to the Collector a List of the Number of them that Pay 10 l. per Head, the same to be observed in and about this Act, as the other Act laying a Duty on Negroes, &c.

And whereas, 'tis found by Experience, That free Negroes are an Idle, sloathful People; and often prove burthenfom to the Neighbourhood, and afford ill Examples to other Negroes

Therefore be it Enacted by the Authority aforesaid, That if any Master or Mistreis shall discharge, or set free any Negroe; he or she shall enter into Recognizance, at the respective County Court, with sufficient Sureties, in the Sum of *Thirty Pounds*, to secure and indemnify the City, Township or County where he resides, from any charge or incumbrance, they may bring upon the same, in Case such Negroe by Sicknefs, or otherwise be rendered incapable to support him, or herself; but until such Recognizance be given, such Negroes shall not be deemed Free.

Whoever lets free any Negroe, shall give 30 l. Security to indemnify the City or County, &c.

The Security shall be given for Negroes set free by Will, or the said Negroes not to be free.

And if any Negroe be made Free by the Will or Testament of any Person deceased, then the Executor or Executors of the deceased, or some other Person, shall enter into the like Recognizance, as above, immediately upon proving the said Will, or otherwise the said Negroe, shall not be deemed Free.

Free Negroes, laxy & loiters shall be bound out to Service by the Year.

And be it further Enacted by the Authority aforesaid, That if any Free Negroe, fit and able to Work, shall neglect so to do, and loiter or mispend his or her Time, or wander from Place to Place, any two Magistrates next adjoining, are hereby impowered and required to bind out to Service, such Negroe, from Year to Year as to them shall seem meet.

Males, Bound till 24 Years, Females till 21.

And if any Negroe be set Free under the Age of Twenty one Years, or where there be any Children of free Negroes, it shall and may be Lawful for the Overseers of the Poor, and they are hereby Ordered, with the Assent of two, or more Justices of the Peace, to bind out to Service such Negroe or Negroes, a Man Child until he comes to the Age of Twenty four Years, and a Woman Child to the Age of Twenty one.

No Free Negroe &c. to Entertain Slave on Penalty of 5 s. for first Hour 1 s. for every Hour afterwards.

And be it further Enacted by the Authority aforesaid, That if any free Negroe, or Mulatto shall Harbour or Entertain any Negroe, Indian or Mulatto Slave, or Servant in his or her House, without the Leave, and Consent of their Respective Master or Mistress, he or she shall Forfeit and Pay the Sum of Five Shillings for the first Hour, and One Shilling for every Hour afterwards, they shall be so harboured or entertained.

Nor Trade with such under penalty of 50c.

And if any Free Negroe, or Mulatto shall Barter, Trade or any ways deal, with any Negroe, or other Slave, without Licence had as aforesaid; he or she, shall make Restitution to the Party grieved, and also be publickly whipt, not exceeding Twenty one Lashes.

And be it further Enacted by the Authority aforesaid, That if any free Negroe or Mulatto, shall refuse, or be unable to Pay his or her Fine or Forfeiture, as aforesaid; it shall and may be Lawful to and for the Justice, before whom such matter is Tried, to order Satisfaction by Servitude.

No Person to join in Marriage white and black.

And be it Enacted by the Authority aforesaid, That no Minister, Pastor or Magistrate, or other Person whatsoever, who according to the Laws of this Province, usually join People in Marriage, shall upon any Pretence whatsoever join in Marriage, any Negroe, with any White Person, on the Penalty of One Hundred Pounds.

And be it further Enacted by the Authority aforesaid, That if any white Man or Woman shall cohabit or dwell with any Negroe, under pretence of being Marry'd; such white Man, or Woman shall forfeit and Pay the Sum of *Thirty Pounds*, or be Sold for a Servant, not exceeding seven Years, by the Justices of the Respective County Courts; and the Child or Children of such white Man or Woman shall be put out to Service as above directed, until they come to the Age of *Thirty one Years*: And if any Free Negroe Man or Woman, shall intermarry with a white Woman or Man, such Negroe shall become Slave during Life, to be Sold by Order of the Justices of the Quarter Sessions of the respective County; and if any Free Negroe Man or Woman shall commit Fornication or Adultery with any white Man or Woman, such Negroe or Negroes shall be Sold Servant for Seven Years as above said; and the White Man or Woman shall be punished as the Law Directs in Cases of Adultry or Fornication.

Such dwelling together, white, shall pay 30 l. or be sold Servant.

For Fornication free Negroes shall serve Seven Years and the White shall suffer, &c.

And whereas a good Regulation, and suitable Management of Negroes, is very much conducive to the Safety and Peace, as well as advantage of those Countries which are possessors of any Number of them, *Therefore be it Enacted by the Authority aforesaid*, That if any Negroe, shall at any Time be found tipling or drinking, in or near any House or Shop, where strong Liquors are Sold; or be found out of, or absent from His Master, or Mistresses House, after Nine a Clock at Night, without Licence from his said Master or Mistress; shall be whipt on his or her bare back, at his Master's or Owners own Cost, not exceeding *Ten Lashes*, by Order of any Justice of the Peace.

No Negroes to be tipling after 9 a Clock at Night under the Penalty of 10 Lashes.

And be it further Enacted by the Authority aforesaid That whoever shall take up any Negroe, above Ten Miles from his or her Master or Mistresses Habitation, who hath not leave in Writing, from his or her said Master or Mistress, or are not known to be on their Service, he, she or they so taken up, shall be Whipt by Order of any Justice of the Peace, on the bare Back, at the Owner's Charge, not exceeding *Ten Lashes*; and the taker up shall have for his Reward *Five Shillings*, with reasonable Charge, for carrying him or them home; paid by the Master or Mistress of the said Negroe.

Nor be above 10 Miles from home without a Ticket under the Penalty of 10 Lashes, and 5 s. Reward for the taker up.

And be it Enacted by the Authority aforesaid, That no Master or Mistress, of any Negroe shall hereafter, for any Reward, Sum or Sums of Money, stipulated and agreed upon between them; or upon any other pretence whatsoever, permit or suffer, his or their Negroes to ramble about, under pretence of getting Work, give liberty to their Negroes to seek their

Negroes not to ramble about to seek their own employ, &c.

own Employ, and so go to Work at their own Wills, under the Penalty of *Twenty Shillings* for every such Offence.

No Person to entertain another's Slave, on the Penalty 30 s. for every 24 Hours.

And be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, shall Employ, or knowingly harbour, conceal or entertain other Peoples Slaves, at their Houses, Out-houses or Plantations, without the Master or Owner's consent; excepting in Distress of Weather or other Extraordinary Occasion, under the Penalty of *Thirty Shillings*, for every Twenty four Hours he or they shall entertain or harbour him or them as aforesaid.

How the Fines, &c. shall be applied and how recovered.

And be it further Enacted by the Authority aforesaid, That all the Fines, Forfeitures and Penalties arising by this Act, shall go one half thereof, for and towards the paying for Negroes Executed for Capital Offences, according to the Directions of this Act; to be paid into the Hands of the Provincial Treasurer, and the other half thereof, to the Prosecutor: And shall be recovered in Manner following, *viz.* all those under *Forty Shillings* as other Debts, of the like Value are recovered; and those above *Forty Shillings*, to be recovered in any Court of Record, in this Province, by Bill Plaint or Information; where no more than one Imparllance shall be allowed.

CHAP. CCLXXXIX.

An ACT for the better Regulating the Retailers of Liquors, near the Iron-Works and else where.

No Persons shall within 2 Miles of an Iron Furnace, keep a publick House or sell Rum, &c. except he be first recommended by Majority of &c.

WHEREAS the Selling of Rum, and other strong Liquors near the Furnaces, lately erected for Running and Melting of Iron Oar, have already proved very Prejudicial and Injurious to the Undertakers, Therefore for the preventing of which, and encouraging and promoting such generous undertakings, We pray that it may be Enacted, *And be it Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same.* That no Person or Persons whatsoever, from and after the Publication of this Act, shall within the Distance of two Miles, to any Furnace now Erected, or hereafter to be Erected, within this Province, keep a publick House, Sell by Permit, or otherwise dispose of any Rum, Wine, Brandy or other Liquors, except he, or they shall be specially recommended

mended for License or Permit, by a Majority of the Owners of the said Furnace or Works, near which he or they are desirous of keeping a publick House, or Selling by Permit Rum, Wine, Brandy or other Liquors, under the Penalty of *Forty Shillings* for every such Offence, being thereof Convicted by his or their own Confession, or by the Oath or Affirmation of one, or more credible Witnesses, before the next Justice of the Peace, of the Respective County, where such Offence is committed; to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the said Justice, before whom such Conviction is made; which Warrant, such Justice hath hereby Power to make, Seal and Grant: and where Distress cannot be found, on the Offenders Goods, it shall and may be Lawful, to, and for the said Justice of the Peace aforesaid, to Commit such Offender or Offenders to Prison there to remain without Bail, or Mainprize for the space of Twenty Days.

*Penalty of 40 s.
Manner of Conviction
on and levying the
Fine.*

Or Imprisonment

And be it Enacted by the Authority aforesaid, That no Person or Persons, who is or may be so recommended, shall be Licensed to keep Ordinaries or Publick Houses, to Sell or Vend Rum, Wine, Brandy or other Liquors, near the said Works, before he or they have entered into Recognizance before the Justices of the respective Courts, at their Quarterly Sessions, with two sufficient Sureties, in the Sum of *Twenty Pounds*, for his or their keeping good Orders, and due Observance and Compliance with this Act. And that no Permit shall be granted by the Collector of Excise, or any other Person or Persons, to any Retailer whatsoever, in that, or any other Part of this Province, for Drawing or Selling Rum, and other Spirits, or any the Liquors aforesaid, before he or they enter into Recognizance, with Sureties in manner aforesaid, for Observance of the Act of Excise, passed in the Tenth Year of His Majesties Reign.

*This Clause
altered.*

*Vidi Act giving
Bounty upon Hemp,
the 13 of Georgii.*

And be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, who is or shall be allowed to Sell Beer, and Cyder, by the *Nine Shilling* Licenses, according to an Act of Assembly of the Eight of King George, entituled, *An Act for the Encouraging the making of good Beer*, &c. shall directly or indirectly Sell, offer or dispose of any Rum, Wine, Brandy or other distilled Liquors, mixt or unmixed, in or about their Houses, or elsewhere under the Penalty of *Forty Shillings* for every such Offence, the Offender being convicted thereof, before any Justice of Peace, in manner aforesaid; and if the Collector of the Excise, for the Time being, shall grant a Permit to any Person or Persons, so Licensed to Sell Beer, as above said, it shall be deemed an Official Misbehaviour in him, and a Forfeiture of his Bond, given the

*No Persons who
sell by 9 Shillings
Licenses shall upon
any Account Sell
Rum &c. on the
Penalty of Forty-
Shillings, the Col-
lector to grant no
Permit to them, un-
der the Forfeiture,
&c.*

Provin-

Provincial Treasurer, by Direction of the Act of Excise; any thing in the said Act, or in any other Law contained to the contrary thereof, in any wise notwithstanding.

*The appropriation
of the Fines &c.*

And be it Enacted by the Authority aforesaid, That all the Fines, Forfeitures, and Penalties, mentioned in this Act, shall go, one half thereof to the Governour, for the Time being, towards support of Government, and the other half thereof, to the Profecutor.

*This Act not to
void the Acts
&c.*

Provided always, That this Act or any Thing therein contained shall not extend to annihilate, or make Void the Acts of Assembly of this Province about Licensing Ordinaries, and laying Excise, or any Part thereof; save only what is hereby expressly altered and supplied; and that this Act continue in Force for two Years, after it's publication, and from thence to the end of the next Sessions of Assembly, and no longer.

AT a General Assembly begun at *Philadelphia*, the Fourteenth Day of *October*, in the Thirteenth Year of the Reign of our Sovereign Lord *George King of Great-Britain, &c. Annoq; Domini*, One Thousand Seven Hundred and Twenty Six and continued by Adjournment till the Twenty fifth Day of *August* One Thousand Seven Hundred and Twenty Seven, the following Acts were passed by the Honourable *Patrick Gordon Esq;* Governour of the said Province, That is to say.

CHAP. CCLXXX.

*An ACT for the Establishing of Courts of
Judicature in this Province.*

WHEREAS the late King Charles the Second, by his Royal Charter and Grant to *William Penn Esq;* of that Tract of Land called *Pennsylvania*, and for Erecting the same into a Province: Did for himself his Heirs and Successors, Grant free, full and absolute Power to the said *William Penn* and his Heirs, and to his and their Deputies and Lieutenants, for the Good and happy Government of the said Country, by and with the Advice, Assent and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delagates or Deputies in Assembly, when and as often as need should require, to ordain, make and enact any Laws whatsoever for the Publick State, Peace and Safety of the said Country, or unto the private Utility of particular Persons, according unto their best Discretion; and likewise to do all and every Thing and Things which unto the compleat Establishment of Justice, unto Courts and Tribunals, Forms of Judicature and Manner of Proceedings do belong: And by Judges (by the said *William Penn* his Heirs their Deputies and Lieutenants appointed) to Award Process, hold Pleas and Determine, in all the said Courts and Tribunals, all Actions, Suits and Causes whatsoever as well Criminal as Civil, Personal, Real and Mixed. *Provided* the said Laws, so made and published, be Consonant to Reason, and not Repugnant or Contrary, but as near as conveniently may be, agreeable to the Laws, Statutes and Rights of the Kingdom of *England*. *Saving and Reserving* to the said King *Charles* his Heirs and Successors, the Receiving, hearing and determining of the Appeal and Appeals of all or any Person or Persons, touching any Judgment to be there made or given.

*Recital out of the
Royal Charter to the
Proprietor.*

And whereas, by Virtue and in pursuance of the said Grant, divers Acts and Ordinances have been made, from Time to Time, for the holding of Courts of Judicature, and the Administration of Justice within this Province, which by the Increase of Inhabitants, and Change of Circumstances of the Country, seem necessary to be altered and amended. *Be it therefore Enacted* by the Honourable Patrick Gordon Esq; Governor of the Province of *Pennsylvania*, &c. *By and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same*, That there shall be a Court styled the General Quarter Sessions of the Peace and Goal Delivery, holden and kept four Times in every Year in each County of this Province, viz. At Philadelphia,

*By Virtue where-
of divers Laws for
holding Courts have
been made.*

*Quarter Sessions
held four Times a
Year.*

delphia, for the County of *Philadelphia*, on the First Second Day of the Week, called *Munday* in the Months called *March*, *June*, *September*, and *December*. At *New-Town*, for the County of *Bucks*, on the Eleventh Day following Inclusive in every of the same Months. And at *Chester*, for the County of *Chester*, on the Last Third Day of the Week, called *Tuesday* in the Months called *May* *August* *November* and *February*,

The Governour
shall Commissionate
Justices in each Coun-
ty for that purpose.

And that there shall be a competent Number of Justices, in every of the said Counties, nominated and Authorized by the Governour, or Lieutenant Governour for the Time being, by Commission under the Broad Seal of this Province, which said Justices, or any Three of them, shall and may hold the said general Sessions of the Peace, and Goal Delivery, according to Law, and as fully and effectually as any Justices of the Peace, Justices of Assize and Justices of Oyer and Terminer, or of Goal Delivery, may or can do.

Which Justices or
any three of them
may hold private
Sessions,

And be it further Enacted by the Authority aforesaid, That the said Justices of the Peace of the respective Counties or any three of them, may pursuant to their said Commissions hold special and private Sessions, when and as often as Occasion may require; and that the said Justices and every of them shall have full Power and Authority, in, or out of Sessions to take all manner of Recognizances and Obligations as any Justices of the Peace of *Great-Britain*, may can or usually do; all which said Recognizances and Obligations shall be made to the King and his Successors, and all Recognizances for the Peace, Behaviour or for Appearance, which shall be taken by any of the said Justices out of Sessions, shall be certified into their said general Sessions of the Peace, to be holden

And take Recognizance out of Sessions

next after the taking thereof, and every Recognizance taken before any of them for Suspicions of any Manner of Felony or other Crime, not triable in the said Court of Quarter-Sessions of the Peace and Goal Delivery, shall be certified before the Justices of the Supreme Court of Oyer and Terminer, at their next succeeding Court, to be holden next after the taking thereof, without Concealment Detainment or Imbezilling of the same: But in Case any Person or Persons shall Forfeit his or their Recognizance of the Peace, Behaviour or Appearance, for any Cause whatsoever, then the Justices of the said Court of Quarter-Sessions shall make a Record of every such Default or Cause of Forfeiture, and issue Writs of *Scire facias*, and all such other Procefs as shall be needful for the Recovery of the said Forfeitures, all which Forfeitures shall be levied by the proper Officer, and paid into the Provincial Treasury towards Support of Government.

Which shall be
certified into the
next Quarter-Sessions

Provided

Provided always, That the said Courts of general Quarter Sessions of the Peace, may be kept and continued for the Space of three Days in the Counties of *Philadelphia, Bucks* and *Chester*, respectively, at any of the said Times herein before appointed for the holding and keeping the said Courts and Sessions, in each of the said Counties of *Philadelphia, Bucks,* and *Chester*, in Manner aforesaid.

Quarter sessions may continue Three Days in each County.

Provided also, That nothing herein contained shall deprive or abridge the Mayor, Recorder and Aldermen of the City of *Philadelphia*, of any Powers, Privileges, Jurisdictions or Franchises granted them by Charter, or the Laws of this Province.

Nothing herein shall abridge or lessen the Powers, &c. of the Corporation.

And to the End that Persons Indicted or Outlawed for Felonies or other Offences in one County, or Town Corporate, who Dwell, remove or be received into another County or Town Corporate, may be brought to Justice.

Be it further Enacted, That the said Justices or any of them, shall and may direct their Writs or Precepts under the Seal of the proper County to which they belong, to all or any of the Sheriffs or other Officers of the said Counties or Towns Corporate within this Province, where need shall be, to take such Persons Indicted or Out-law'd, and that it shall and may be lawful to and for the said Justices and every of them, to Issue forth *Subpœnas* and other Warrants, under their respective Hands and Seals into any County or Place of this Province, for summoning or bringing any Person or Persons to give Evidence in and upon any Matter or Cause whatsoever now or hereafter Examenable, or in any wise triable before them or any of them, under such Pains and Penalties as *Subpœnas* or Warrants of that Kind usually are or ought by Law to be granted or awarded.

Writs under the proper Seal of one County may be directed to the Sheriff of another County, for taking Persons Outlaw'd.

Subpœna's under the Hand and Seal of a Magistrate for Summoning of Evidence.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall find him or themselves aggrieved with the Judgment of any of the said Courts of Quarter Sessions of the Peace and Goal Delivery, or any other Courts of Record within this Province, it shall and may be lawful to and for the Party or Parties to aggrieved, to have his or their Writ or Writs of Error, which shall be granted them of Course in Manner as other Writs of Error are to be granted, and made returnable to the said Supream Court of this Province.

Writs of Error shall be granted returnable to the Supream Court.

Provided always, That when any Writ or Writs of Error shall be granted upon any Judgment given, or to be given, for the said City of *Philadelphia*, the Mayor, Recorder and Aldermen of the said City of *Philadelphia*, and their Successors, or any of them, shall not be compelled upon any of the

Upon a Writ of Error against a Judgment passed in the City Court, the Mayor, &c. shall only be obliged to send the Tenour or Transcript of the Record under their Common Seal into the Supream Court.

any of them, to remove, send or certify into the said Supream Court, or elsewhere, any of the Indictments or Presentments taken or to be taken before them; or the Record of the Judgments and Proceedings upon any such Indictments or Presentments; but only the Tenour or Transcript of the said Record under their Common-Seal: And after such Indictments are reversed or affirmed in the said Supream Court, it shall and may be Lawful, for the Mayor, or Recorder and Aldermen and their Successors, to proceed to Execution or otherwise, as to Justice shall appertain, according to Law.

Courts of Record to be held twice a Year at Philadelphia.

Called the Supream Court of Pennsylvania.

By three Judges to be Commissioned under the great Seal.

Who shall Issue forth Writs of Habeas Corpus, &c.

And shall hear and determine all Causes Cognizable in the said Court, and all Causes removed thither by Certiorari, &c. after final Judgment.

And Correct the Error of the Justices &c.

And be it further Enacted, by the Authority aforesaid, That there shall be holden and kept at Philadelphia, a Court of Record twice in every Year, (that is to say) on the Twenty fourth Day of September and the Tenth Day of the Month called April, if the same Days, or either of them, do not happen to be the first Day of the Week, and in such Case, the said Court shall be held on the next Day following, which said Court shall be called and stiled the Supream Court of Pennsylvania; and that there shall be Three Persons of known Integrity and Ability Commissioned by the Governour or his Lieutenant for the Time being, by several distinct Patents or Commissions under the Great Seal of this Province, to be Judges of the said Courts, One of whom shall be distinguished in his Commissions by the name of chiet Justice, and every of the said Justices shall have full Power and Authority by Virtue of this Act, when and as often as there may be Occasion to Issue forth Writs of Habeas Corpus, Certiorari and Writs of Error, and all remedial Writs or Procefs returnable to the said Court, and grantable by the said Judges, by Virtue of their Office, in pursuance of the Powers and Authorities hereby given them.

And that the said Judges or any two of them shall have full Power to hold the said Courts, and therein to here and determine all Causes, Matters and Things Cognizable in the said Court, and also to hear and determine all and all manner of Pleas, Complaints and Causes which shall be removed or brought there from the respective general Quarter Sessions of the Peace, to be held for the respective Counties of Philadelphia, Bucks and Chester, as also for the City of Philadelphia, by Writs of Certiorari or Writs of Error, or from any other Court of this Province, by Virtue of any of the said Writs after final Judgment shall be given in the said Courts, and to examine and correct all and all manner of Errors of the Justices and Magistrates of this Province, in their Judgments, Procefs and Proceedings in the said Courts, as well in all Pleas of the Crown, as in all Pleas real, personal and mixed, and thereupon to reverse or affirm the said Judgments, as the Law doth or shall direct, and also to examine, correct and punish the Contempts, Omissions and Neglects, Favours, Corruptions

ons and Defaults, of all or any of the Justices of the Peace, And punish the Default of Officers Sheriffs, Coroners, Clerks, and other Officers within the said respective Counties.

And also shall award Procefs, for levying all such Fines, Forfeitures and Amerciaments, which shall be left taxed, and set in the said Supream Courts, and not paid to the Uses And award Procefs to levy Fines. they are or shall be appropriated.

And generally shall minister Justice to all Persons, and exercise the Jurisdiccions and Powers hereby granted them, concerning all and singular the Premisses according to Law, as fully and amply to all Intents and Purposes whatsoever, as the Justices of the Courts of King's-Bench and Common-Pleas And generally minister Justice as in the King's-Bench &c. in Great Britain. at *Westminster*, or any of them, may or can do, upon Writs of Error, and other remedial Writs, issuing out of the said Court. Saving to all and every Person or Persons, his, her, or their Heirs, Executors and Administrators, their Right of Appeal, from the final Sentence, Judgment or Decree of any Court within this Province, to his Majesty in Council, or to such Court or Courts, Judge or Judges, as by our Sovereign Lord the King, his Heirs or Successors, shall be appointed, Saving to all Persons the Right of Appeal to Britain. in that Part of *Great-Britain*, called *England*, to receive, hear, and judge of Appeals, from his Majesty's Plantations.

Provided, the Persons appealing shall, upon entring his or their Appeal, in the Court where the Sentence, Judgment or Decree shall be given, in this Province, pay all the Costs before that Time expended in the Prosecution or Defending the said Suit, and shall further enter into Bond with two good and sufficient Securities in double the Sum recovered (in the said Court) to the Defendant in the Appeal conditioned to The Appellant shall give Bond if Double the Sum recovered &c. prosecute the said Appeal, with Effect, within the Space of eighteen Months next after the Entry of such Appeal, and to satisfy the Judgment of the Court from which he Appeals, and further to pay all such Costs and Damages, as shall be adjudged to him to pay, in case a Sentence, Judgement or Decree, pass against the said Appellant, or in case he, she or they, fail to prosecute their Appeal with Effect, and Execution shall be suspended until the final Determination of such Appeals, unless good and sufficient Security be given by the Appellee, to make ample Restitution of all that the Appellant And Execution suspended &c. Except the Appellee give sufficient Security, &c. shall have lost, by Means of such Judgment or Decree, in case, (upon the Determination of such Appeal) such Decree or Judgment should be reversed, and Restitution awarded to the Appellant.

And that there shall be a fit Person nominated by the Judges, and commissioned by the Governour, to be Pro-

Prothonotary of the Supream-Court nominated by the Judges and shall be commissioned by the Governour.

thonotary or Clerk of the said Supream-Court; who shall keep and duly attend his Office, in some convenient Place in the City of *Philadelphia*, and may be suspended, punished or amoved, by the said Court, for Misdemeanours in his Office.

How Writs shall be granted and their Stile.

And be it further Enacted by the Authority aforesaid, That all the said Writs shall be granted of Course and made in the Name and Stile of the King, his Heirs and Successors, and shall bear Test in the Name of the Chief Justice for the Time being, but if he be Plaintiff or Defendant, in the Name of one of the other Justices, and shall be sealed with the judicial Seal of the said Court, and made returnable to the next Court after the Date of such Writ.

No Provincial Judge shall sit in the Inferiour Courts.

Provided always, That none of the Judges of the said Supream-Court, shall sit judicially in any of the said courts of Common-Pleas, Quarter-Sessions, or any other inferiour Court of this Province.

The said Judges to deliver the Goals &c. for all Treasons Murders, &c.

And be it further Enacted by the Authority aforesaid, That the said Judges of the said Supream-Court, or any two of them, shall have Power, and are hereby authorised and empowered, from Time to Time, to deliver the Goals of all Persons which now are, or shall hereafter be committed for Treasons, Murders, and such other Crimes, as (by the Laws of this Province) now are, or hereafter shall be made Capital, or Felonies of Death as aforesaid; and for that End, from Time to Time, to issue forth such necessary Precepts and Process, and force Obedience thereto, as Justices of Assize, Justices of Oyer and Terminer, and of Goal Delivery, may or can do in the Realm of *Great-Britain*.

Felonies committed in the Out-parts of this Province, to be tried in Philadelphia

And also, That all Manner of Offences already made or declared, or hereafter to be made or declared to be Capital or Felonies of Death, by any Law or Act of Assembly of this Province, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed by any Person or Persons, within the Bounds and Limits of the same Province, and without the certain and known Bounds and Limits of any of the Counties now or hereafter Erected in the said Province, shall be from henceforth enquired of, heard and determined before the said Judges, by good and lawful Men of the City and County of *Philadelphia*, in like Manner and Form, to all intents and purposes, as if the said Offences and Felonies of Death, had been done, perpetrated and committed, within the said City or County of *Philadelphia*. *Provided always, That* the Fees due to the Judges and Officers of the said Court, for hearing any of the said Capital Offences, for any Thing done, there shall be double the Fees usually taken in the general Quarter-Sessions, held in any of the said Counties in this Province, any Thing herein contained or in any other Law of this Province to the Contrary notwithstanding.

Fees to be double of what is in the Quarter Sessions.

Provided

Provided always, That to prevent the Hardships some Persons may be laid under, by Process, issuing out of the said Supream Court in civil Causes, and Informations on penal Statutes, by Colour of or under Pretence of some inseparable Power belonging to the Judges of the said Court, or by some Pretence of Authority of some former Law of this Province.

Be it further Enacted by the Authority aforesaid, That it shall not be lawful to and for the Judges of the Supream Court of this Province, or any of them to issue any Original Writ or Process, out of the said Court in civil Causes, except upon Indictments, found before them, or removed thither from the Courts of General Quarter-Sessions of the Peace, within this Province, or for Crimes made tryable, in the said Supream-Court, only by the Laws of this Province, and for Forfeitures, Contempts and Defaults incurred, made done or committed in the said Supream-Court, or against the Authority of the same, any Law Usage or Custom to the Contrary, in any wise notwithstanding.

No Original Process in Civil Causes shall Issue out of Supream Court Except upon Indictments &c.

Provided always, and be it further Enacted, That no Indictment found, and now depending before the said Judges in the Supream-Court, or removed from any of the Courts of this Province, into the said Court, or any other Matter, legally removed from any other Court, and now depending before the Judges of the said Court, shall be discontinued, but that the same may be heard, tryed and determined, before the said Judges, as fully as the same could have been heard, tryed and determinated before the making of this Act, any Thing herein contained to the Contrary in any wise notwithstanding.

No Indictment now depending in said Court shall be discontinued.

And be it further Enacted by the Authority aforesaid, That a Competent Number of Persons shall be Commissionated, by the Governour, or his Lieutenant, for the Time being, under the broad Seal of this Province, who shall hold and keep a Court of Record in every County of this Province, which shall be stiled and called, *The County Court of Common-Pleas*, and shall be holden four Times in every Year, at the Place where the General Quarter-Sessions shall be respectively kept, viz. at *Philadelphia*, for the County and City of *Philadelphia*, on the Day called the First *Wednesday* after the Day appointed for the Quarter-Sessions, to begin on there, in the Months, called *March*, *June*, *September*, and *December*. At *New-Town*, for the County of *Bucks*, on the Eleventh Day following, (inclusive) and at *Chester* for the County of *Chester*, on the Day called the Last *Tuesday* in the Months called *May*, *August*, *November*, and *February*, which said Justices, or any three of them, (according to the Tenor and Direction of their Com-

A County Court of Common Pleas to be held 4 Times in every Year.

And when

Which shall hear
and determine all
Actions, &c.

Commissions) shall hold Pleas of Assize, *Scire facias*, Replevins, Informations and Actions, upon penal Statutes, and hear and determine all, and all Manner of Pleas, Actions, Suits and Causes, civil, personal, real and mixed, according to the Laws and Constitutions of this Province, as fully and amply to all Intents and Purposes, as the Justices of the King's-Bench, Common-Pleas, and Exchequer in *England*, or any of them may or can do.

As fully as the
King's Bench, Com-
Pleas, &c. in Eng-
land.

And shall Grant
Replevins, &c.

And be it further Enacted by the Authority aforesaid, That every of the said Justices, shall, and are hereby empowered and authorized to grant, under the Seal of the respective Counties, Replevin, Writs of Partition, Writs of View, and all other Writs and Process upon the said Pleas and Actions, cognizable in the said respective Courts, as Occasion may require.

The Justices of
said Courts may Issue
Subpoenas for Evi-
dences, &c.

And be it further Enacted, That the said Justices of the said respective Courts of Common-Pleas, shall and are hereby empowered, to issue forth *Subpoenas*, under their respective Hands and Seals, into any County or Place of this Province, for summoning and bringing any Person or Persons to give Evidence, in and upon the Trial of any Matter or Cause, whatsoever, depending before them, or any of them, under such Pains and Penalties, as by the Rules of the common Law and Course and Practice of the King's Courts at *Westminster*, are usually appointed.

Upon Judgment
obtained &c. And
the Party not to be
found or hath not
Lands in that
County, &c.

And be it further Enacted, That upon any Judgment obtained in any of the said County Courts of Common-Pleas, in this Province, and Execution returned by the Sheriff or Coroner of the proper County, where such Judgment was obtained, that the Party is not to be found, or hath no Lands or Tenements, Goods or Chattles in that County; and thereupon it is testified, that the Party sculks or lies hid, or hath Lands, Tenements, Goods or Chattles, in any other County of this Province, it shall and may be lawful to and for the Court that issued out such Execution, to grant, and they are hereby required to grant, an *alias* Execution with a *Testatum*, directed to the Sheriff or Coroner of the County, or Place, where such Person lies hid, or where his Lands or Effects are, commanding him to execute the same, according to the Tenor of such Writ or Writs, and to make Return thereof to the County Court of Common-Pleas, where such Recovery is had, or Judgment given.

An alias Executi-
on shall be granted
to the Sheriff of any
other County, &c.

And if the Sheriff or Coroner (to whom such Writ or Writs shall be directed) shall refuse or neglect to execute, or return the same accordingly, he shall be amerced in the Court where

where he ought to return it, and be liable to the Action of the Party grieved, and the said Amerciaments, shall be truly and duly set, according to the Quality of the Offence and Process shall issue out against the Offenders, for levying of such Amerciaments as shall be unpaid, which said Amerciaments shall be levied by the proper Officer, and paid into the Provincial Treasury towards Support of Government, as above directed.

Which if the said Sheriff refuse to execute he shall be amerced.

And be it further Enacted by the Authority aforesaid, That if any Defendant or Defendants in any Suit or Action, by Reason of his or their sudden Departure out of this Province, shall require a more speedy Determination in such Action or Suit, than can be obtained by the common or ordinary Rules of proceeding in any of the said County Courts of Common-Pleas in this Province; the said Justices, upon Application made, shall grant to such Defendant or Defendants special Courts, and shall proceed to hear and determine the Premises, according to the Course and Practice of the said County Courts of Common-Pleas for the usual Fees therein taken.

The Defendant may have a special Court in Case of sudden Departure.

Provided always, That before such Justices shall grant such special Courts, or proceed to hear and determine the Premises, the Defendant shall give Bail to the Plaintiff's Action, by Recognizance, according to the Course and Practice of the said County Court of Common-Pleas. And to prevent the excessive Charges that have some Times arisen upon executing Writs of enquiry of Damages: Be it Enacted, That the Justices who give any interlocutory Judgment, shall (at the Motion of the Plaintiff or his Attorney, in the Action where such Judgment is given) make an Order in the Nature of a Writ of enquiry, to Charge the Jury attending at the same, or next Court after such Judgment is given, to enquire of the Damages and Costs sustained by the Plaintiff in such Action, which Enquiry shall be made, and Evidence given in open Court, and after the Inquest have considered thereof, they shall forthwith return their Inquisition under their Hands and Seals, whereupon the Court may proceed to Judgment, as upon Inquisitions of that Kind returned by the Sheriff.

But shall give Bail to the Plaintiff's Action.

How Writs of Inquiry shall be made as early of Charge as possible.

And be it further Enacted by the Authority aforesaid, That there may be a competent Number of Persons of an honest Disposition, and learned in the Law, admitted by the Justices of the said respective Courts, to Practice as Attorneys there, who shall behave themselves justly and faithfully in their Practice; and before they are so admitted, shall take the following Qualification, *viz.* Thou shalt behave thy self in the Office of Attorney within the Court, according to the best of thy Learning and Ability, and with all good Fidelity, as well to the

How Attorneys shall be admitted.

the Court as to the Client : Thou shalt use no Falshood, nor Delay any Persons Cause for Lucre or Malice. And if they misbehave themselves therein, they shall suffer such Penalties and Suspensions as Attorneys at Law in *Great-Britain* are liable to in such Cases; by which Attorneys, Actions may be entered, and Writs, Process, Declarations and other Pleadings, and Records in all such Actions and Suits as they shall respectively be concerned to prosecute or defend, from Time to Time may be drawn and with their Names and proper Hands signed. Which said Attorneys to admitted, may practice in all the Courts of this Province, without any further or other Liffence or Admittance.

And Qualified
viz.

Penalty on them.

Attorneys ' shall
File their Warrants
of Attorney.

And that the Attorney for the Plaintiff in every Action shall file his Warrant of Attorney in the Prothonotary's Office the same Court he declares, and the Attorney for the Defendant shall file his Warrant of Attorney the same Court he appears and if they neglect so to do, they shall have no Fee allowed them in the Bill of Costs, nor be suffered to speak in the Cause until they file their Warrants of Attorney respectively.

CHAP. CCLXXX XI.

An ACT for the more effectual Encouraging the raising of good Hemp : And for continuing an Excise on all Wine, Rum, Brandy and other Spirits, retailed within this Province.

WHEREAS by an Act of Assembly of this Province, passed in the Eleventh Year of his present Majesty's Reign, Entituled, *An Act for continuing the Bounty upon Hemp*, it is ordained, established and enacted, That there shall be paid out of the publick Revenue of this Province, as an Encouragement or Bounty for all good, sound, well-dress'd, merchantable Hemp, suitable and fit for Exportation, that shall grow and be raised within the same, by any Person or Persons whatsoever, from and after the Twenty Second Day of May, next after the Publication of the said Act, until the full End and Expiration of Five Years, thence next ensuing, one Penny, for every Pound of such merchantable Hemp, raised as aforesaid.

Recital of the
former Act paying
a Bounty.

And whereas, the good Intention and Design of the said Act, hath in a great Measure been frustrated and eluded by such

such of the Inhabitants of this Province, who have hitherto raised Hemp and received the Bounty, as aforesaid, without having Water-rotted the same. Whereby the said Hemp hath, by Experience, been found to be of little or no Value; by which a considerable Damage hath hitherto accrued to this Province in general, by paying the said Bounty upon the said Hemp; not Water-rotted, as aforesaid,

being a Boun-
ty for Hemp not wa-
ter-rotted

Has been a con-
siderable Burden to
this Province and
has not answered the
End of the said Act.

Be it therefore Enacted, by the Honourable Patrick Gordon, Esq; Lieutenant Governour of the Province of Pennsylvania &c. by and with the Advice and Consent of the Free-men of the said Province, in General Assembly met, and by the Authority of the same. That the said Clause, whereby a Bounty of one Penny per Pound is given upon Hemp raised, as aforesaid; shall be and is hereby repealed, rendered void and of no Force in Law, from and after the Fourteenth of this Instant, May, any Thing in the said, Act, for continuing the Bounty upon Hemp, or any other Act of this Province, to the Contrary notwithstanding.

Therefore the said
Bounty of one penny
per pound is taken off

And be it further Enacted by the Authority aforesaid, That there shall be paid out of the publick Revenue of this Province, by the Officer herein after appointed to put this Act in Execution; (in lieu of the said Bounty by the aforesaid Clause; granted and hereby repealed, as aforesaid) and as a further Encouragement and Bounty, for all good, sound, well-dress'd, merchantable Hemp, that is, or shall be raised, water-rotted and dried, without the Help of Fire, by any Person or Persons who soever, within this Province, from and after the Fourteenth Day of May, in this present Year, One Thousand Seven Hundred and Twenty Seven; until the Fourteenth Day of May, which will be in the Year of our Lord, One Thousand Seven Hundred and Thirty, One Penny Half-penny for every Pound of such Merchantable Hemp fit for Exportation; raised, Water-rotted and dry'd, as aforesaid.

And id, half pen-
ny per pound be al-
low'd for Water-rotted
Hemp &c.

And be it further Enacted by the Authority aforesaid, That Charles Read of the City of Philadelphia, Merchant, shall be, and is hereby, appointed the Officer to put this Act in Execution; who shall, before he enters upon his said Office, be qualified faithfully to perform the same without Favour or Regard to any Person whatsoever.

Charles Read the
Officer appointed.

And to be qualified.

And be it further Enacted by the Authority aforesaid, That the said Officer shall not Pay any Bounty upon Hemp, by this Act granted, or intended to be granted, unless in his Judgment, upon diligent Search and Inspection, the said Hemp shall appear to be sound, merchantable and fit for Exportation.

And not to pay any
Bounty unless the same
shall be found sound, Ex-
amination.

Upon any Dispute
how to proceed.

The Charges of
the Search, &c

Not to exceed five
Shillings for less than
500 weight nor Ten
Shillings for above.

Provided always, That if any Dispute shall happen to arise, between the said Officer and Possessor of such Hemp, concerning the soundness and goodness thereof: Application being made by the said Officer or Owner, to any Magistrate of the City or County of Philadelphia; the said Magistrate shall Issue his Warrant, to two Indifferent judicious Persons of Skill and Integrity, to View, Examine and Search the said Hemp; and to make Report forthwith according as they find the same; and the said Magistrate is hereby impowered and required; to give Judgment accordingly: The Charges of which View and Search, shall be determined by the said Magistrate, who issued said Warrant; but not exceeding Five Shillings for any Quantity under Five Hundred Weight; and not exceeding ten Shillings for any Quantity above: Which Sum, and other Charges shall be paid by the Possessor or Owner of said Hemp.

Every Person de-
manding a Bounty
to be in Oath or Af-
firmation

And be it further Enacted by the Authority aforesaid, That the Officer by this Act appointed, is impowered and shall before he pays the Bounty upon Hemp by this Act granted, as aforesaid, Administer to all Persons demanding the said Bounty, an Oath or Affirmation: "That the said Hemp is of the Growth of this Province, and that the same was Water-rotted, and dry'd without the Help of any Fire, according to the true Intent and Meaning of this present Act, and that the same hath not, nor any Part thereof has, ever before been tendered to the said Officer, or any Bounty paid, or allowed for the same."

The recited Act
to be and continue in
force.

And be it further Enacted by the Authority aforesaid, That all such Clauses, Matters and Things in the aforesaid Act, for continuing the Bounty upon Hemp contained, which are not herein, and hereby repealed, altered or amended, shall be and remain in full Force and Virtue; as if this Act had never been made, any Thing in the same contained to the Contrary notwithstanding.

Recital of a For-
mer Act.

The Expiration of
the said Act.

And whereas, by an Act of Assembly of this Province, made in the Tenth Year of his present Majesty's Reign, Entituled, *An Act laying an Excise on all Wine, Rum, Brandy and other Spirits, retailed in this Province*; an Excise of Six Pence per Gallon is laid on all the said Liquors retailed, as aforesaid; but forasmuch as the said Act expires the Fourteenth Day of May in the Year of our Lord One Thousand Seven Hundred and Twenty Seven: To the End Therefore, That the Provisions and Purposes in the said Act contained may not become Void by the Expiration of the same, as aforesaid.

Be it further Enacted by the Authority aforesaid That the said Act, together with all such Clauses, Matters and Things therein contained, which are not by this present Act altered or amended; shall be, and is hereby, continued in full Force and Effect in Law, after the said Fourteenth Day of May, One Thousand Seven Hundred and Twenty Seven, till the Fourteenth Day of May, which will be in the Year of our Lord, One Thousand Seven Hundred and Thirty, and no longer.

And the same re-enacted and continued till the 14th Day of May, 1730.

And be it further Enacted by the Authority aforesaid That after the said Fourteenth Day of May, in the Year One Thousand Seven Hundred and Twenty Seven no Person or Persons within this Province, shall, during the Continuance of this Act, retail less than one Quart of Rum, Wine, Brandy, or other Spirits, to be delivered at one Time, and to one Person, unless such Person or Persons shall be regularly recommended to the Governour, for the Time being, and by Him licensed, according to the Direction of an Act of Assembly of this Province, in that Case made and provided: And if any Person or Persons shall presume, during the Continuance of this Act, to retail, within this Province, less than One Quart of Wine, Rum, Brandy or other Spirits, to be delivered at one Time, and to one Person, without being legally recommended and licensed, as aforesaid; he, she or they so offending, shall Forfeit and Pay the Sum of Five Pounds, over and above the Duties, for all such Liquors retailed by them, as aforesaid; or be committed to the Work-house or Prison of the respective County where the Offence was committed, there to be kept at hard Labour for the Space of five Months; any Thing in the said Act laying an Excise on all Wine, Rum, Brandy and other Spirits, retailed in this Province; or any other Act to the contrary, notwithstanding.

No Retailer shall sell less than one Quart of Wine, &c.

Except Licensed Houses.

Upon Penalty of Five Pounds.

Or be committed to the Work-house, &c.

For five Months.

And whereas, by an other Act of Assembly of this Province Entituled *An Act for the better regulating the Retailers of Liquors near the Iron-Works and elsewhere*; it is enacted by a Clause in the said Act contained, That no Person or Persons shall be licensed to keep Ordinaries or publick Houses to sell, or vend, Rum, Wine, Brandy or other Liquors, near the said Works; before he or they have entered into Recognizance before the Justices of the respective Counties, at their Quarterly Sessions, with Two sufficient Sureties, in a Sum of Twenty Pounds, for his or their keeping good Orders and due Observance of and Compliance with the said Act; and that no Permit shall be granted by the Collector of Excise, or any other Person or Persons, to any Retailer whatsoever, in that; or any other Part of this Province, for drawing or selling Rum and other Spirits, or any the Liquors aforesaid; before

Retail out of a former Act.

he or they enter into Recognizance with Sureties in Manner
aforesaid; for Observance of the Act of Excise pass'd in the
Tenth Year of his Majesty's Reign.

*Which Act has not
answered the purposes*

And whereas, the said Clause has not been found sufficient
to Answer the Ends and Purposes intended by the said Act.

*Therefore one Ma-
gistrate is impow-ered
to take Recognizance
and return the same
into the next Court of
Quarter-Sessions.*

Be it Enacted by the Authority aforesaid, That any one Ma-
gistrate within this Province may, and is hereby impowered
and required to take a Recognizance with Sureties, as in
the said Act is directed, of any Person or Persons applying for
a Permit; which Recognizance being returned into the next
Court of Quarter Sessions respectively, shall be of equal Force
and Validity in Law as if the said Recognizance had actually
been taken in the Quarter-Sessions; according to the Direction
of the last recited Act. For which Recognizance there shall
be paid *One Shilling and Six Pence*, and to the Clerk of the
Peace, for filing the same *Six Pence*, and no more.

*The Fees for the
same.*

*The said recited
Act to be and remain
in Force.*

And be it further Enacted by the Authority aforesaid, That
all other Matters and Things in the last Recited Act con-
tained, which are not herein and hereby altered or amended,
shall be and remain in full Force and Virtue in Law, during
the Continuance of this Act and no longer; any Thing in the
said last recited Act, or in any other Law of this Province
contained to the contrary notwithstanding.

CHAP. CCLXXXII.

*An ACT for establishing a Ferry from the
City of Philadelphia, to the Landing at
or near the House of William Cooper,
and another from or near the City-Bounds
to Gloucester in New-Jersey.*

*Recital of it of the
Royal Charter.*

WHEREAS the late King *Charles* the Second, by
his Letters Patent under the Great-Seal of *England*,
did (amongst other Things) grant unto *William Penn*
Esq; late Proprietor and Governour of this Province, his Heirs
and Assigns, the Free and undisturbed Use and Continuance
in, and Passage into and out of all and singular Ports, Har-
bours, Bays, Waters, Rivers, Isles and Inlets belonging unto,
or leading to and from this Country; and all the Soil, Rivers,
Bays and Inlets, Situate and being within or belonging to
the Limits and Bounds thereof.

By

By Virtue of which Grant the River *Delaware* (being the Eastern Boundary of this Country) as well as all other the Great Rivers and Streams of this Province are become, and ought to be and continue as common Streets and Highways, for the free and undisturbed Use of all such as have Occasion to pass and repass in and over the same.

The Right to the Passage over Rivers, &c. asserted.

And whereas, by an Act of General Assembly held at *Philadelphia*, in the Fourth Year of his present Majesty's Reign, Entituled, *An Act for Erecting a Ferry to the Landing at or near the Land late of Daniel Cooper, and also to Gloucester in the Western Division of New-Jersey*. It was Enacted, That from the Landing Place, at or near the High-street in *Philadelphia*, there should be a Ferry for Passengers and Goods, to the Landing-Place late of *Daniel Cooper*, and from the Landing Place where *Armstrong Smith*, then Dwell'd, adjoining to the Town-Bounds of *Philadelphia*, there should be a Ferry to *Gloucester*, for the like Purposes.

Recital of a former Act for establishing the said Ferries.

Now forasmuch, as it is of absolute Necessity, That the said Ferries be continued for the Accommodation of Passage between these Provinces; and to the Intent that they may be well regulated and managed.

The Reason of continuing the said Ferries

Be it Enacted, by the Honourable, Patrick Gordon, Esq, Lieutenant Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Ferry from the City of *Philadelphia*, to *William Coopers*, shall be, and is hereby, vested and settled in the Mayor and Commonalty of the said City of *Philadelphia*, and their Successors, for the Space and Term of Seven Years, from and after the Twenty Ninth Day of September, One Thousand Seven Hundred and Twenty Seven; who shall at their own proper Cost and Charge, make or cause to be made a sufficient Slip or Landing Place at the End of High-street aforesaid, and shall keep and maintain the same in good repair and also provide and maintain a good substantial Boat or Boats, and capable Ferry-Men, who shall reside and dwell in the City of *Philadelphia*, near the Landing Place aforesaid, and shall duly and constantly attend the same, as Occasion may require.

One of which is vested in the Mayor and Commonalty of the City of Philadelphia, for 7 Years.

Who shall make a slip and provide Boats, &c.

And for the Support of the said Ferry, Be it further Enacted by the Authority aforesaid, That the said Mayor and Commonalty and their Successors, by their Deputies or Officers to be appointed for that Purpose, under the City Seal, shall Receive and take for Ferriage over the said River, of all Persons (the Governour, for the Time being, and his Attendants only accepted) to or from the said Landing near *William Cooper's* the

The Fare for Passengers, &c. Cooper's.

the several Rates following and no more; (that is to say) For every Single Foot Passenger *Four Pence*; but if Two or more together *Three Pence*.

For every single Horse and Rider, *One Shilling*, but if two or more together *Nine Pence*.

For every single Ox, Cow or Heifer *One Shilling and Three Pence*; but if Two or more Oxen, Cows or Heifers, each *One Shilling*.

For every single Hog *Six Pence*; but if two or more together each *Three Pence Half-Penny*.

For every single Sheep *Three-Pence*; but if Two or more together each *Two Pence*.

The other of the said Ferry is settled in the Justices of the County of Philadelphia, for 7 Years.

Or any three of them.

Who shall Farm out the same.

The Rate for Passengers, &c. is Gloucester.

And be it further Enacted by the Authority aforesaid, That the said Ferry from the Landing Place at or near *Armstrong Smith's*, or such Landing Place as the Justices of the County of *Philadelphia*, or any three of them, for the Time being, shall appoint, adjoining, or near to the Town-Bounds of *Philadelphia* aforesaid, to *Gloucester*, is and shall be, vested and settled for the aforesaid Term of Seven Years, from the said Twenty Ninth Day of *September*, One Thousand Seven Hundred and Twenty Seven, in the said Justices, or any Three of them, and their Successors for the Time being, who are hereby impowered and required to demise, grant and to Farm Let the said Ferry, from Time to Time, during the Term aforesaid, to such capable Ferry-Man as shall be willing to accept and take the same; under such Conditions and Security and for such Yearly Rent as to them the said Justices shall seem reasonable; and the said Ferry-Man so accepting and taking the said Ferry, shall be under the Care and Regulation of the said Justices, from Time to Time, and shall be obliged to keep a good and Sufficient Boat or Boats for carrying Men and Horses, Cattle and Goods, and shall well and duly attend the Service of the said Ferry: And shall and may receive and take from all Persons (excepting the Governour, for the Time being, and his Attendants) for the Ferriage or Passage over to or from *Gloucester* aforesaid, the respective Rates or Prizes following, viz.

For every single Foot Passenger *One Shilling*; but if Two or more together each *Nine Pence*.

For every single Horse and Rider *Two Shillings*; but if Two or more Men or Horses together each *One Shilling and Six Pence*.

For every single Ox, Cow or Heifer *Two Shillings*; but if Two or more together each *One Shilling and Six Pence*.

For every single Hog *One Shilling*; but if Two or more together each *Nine Pence*.

For every single Sheep *One Shilling*; but if Two or more together each *Six Pence*.

And for the better Regulation and greater Certainty of Passage in and by the said Ferries, as well as to encourage those that keep them. *It is further Enacted by the Authority aforesaid,* That if any Person or Persons whatsoever, shall presume at any Time hereafter, to accept, receive or take any Grant or License of any other Person or Persons, Save of the Mayor and Commonalty of the City of *Philadelphia*, aforesaid, and the said Justices of the County of *Philadelphia*, respectively for keeping the said Ferries, or either of them: Or if any Person or Persons, shall under any Pretence whatsoever, presume to set up, imploy or keep any Boat, Flat or Canoe (within the Bounds of the City of *Philadelphia*, or within Two Miles above or below the Landing-Place, to be fix'd as aforesaid, for carrying of Passengers, Horses, Cattle, Hogs or Sheep, for any Hire, Wages or other Reward whatsoever, over the said River *Delaware*, from this Province to *New-Jersey* aforesaid, he or they so offending, shall Forfeit their Boats, Flats or Canoes so imployed, and shall also Forfeit and Pay the Sum of *Five Pounds* for every Time they so offend, which shall be recovered and applied in manner hereafter mentioned.

The Penalty on any Person taking a Grant of either of the said Ferries of any other Person than, &c.

Or presuming to set up or imploy any Boat, &c. for carrying Passengers, &c.

Is Forfeiture of Boat, &c. and Five Pounds besides.

Provided nevertheless, That it shall and may be lawful to and for the Ferry-Man from *Cooper's*, upon the Request of the Owner or Owners, to land or put on Shore, Cattle or Horses at the End of *Vine-Street* in *Philadelphia*, commonly called the Penny Pot-House.

Liberty to Land Horses &c. at end of Street.

And be it further Enacted, by the Authority aforesaid, That the Rents, Issues and Profits which shall and may accrue and arise from the said Ferry to *Cooper's*, shall be appropriated to such Publick Uses as the Mayor and Commonalty of the said City of *Philadelphia*, shall from Time to Time order and appoint. And the Rents, Issues and Profits which shall arise from the said Ferry to *Gloucester* shall be appropriated to the Service of the Publick Work-House, now erected in the City of *Philadelphia* aforesaid, as the said Justices shall Order and Direct.

The Rents and Profits of the Ferry to Cooper's to be disposed of by Mayor and Commonalty.

And of that to Gloucester to the Work House of this City.

And be it further Enacted by the Authority aforesaid, That all Fines, Forfeitures and Penalties arising from this Act, shall be recovered in any Court of Record of this Province, one Half whereof shall be to the Use of the Informer or Prosecutor, who shall sue for the same; and the other Half thereof shall be appropriated as followeth, (that is to say) such Fines, &c. as arise from the Ferry to *Cooper's*, to such publick Uses as the Mayor and Commonalty of the City of *Philadelphia*, shall Order and appoint: And such as arise from the said Ferry to *Gloucester*, shall be paid to such Person or Persons as the said Justices shall Order and Direct, for the Service of the publick Work-house, as aforesaid.

The Manner of recovery of Fines &c.

And their appropriation.

CHAP CCLXXXIII.

An ACT more effectually to prevent unfair Practices in the Packing of Beef and Pork; for Exportation.

Recital of the former Act.

WHEREAS an Act was passed in this Province, in the Twelfth Year of the reign of the late King William the Third, Entituled, *An Act for the ascertaining the Dimensions of Cask, and for the true Packing of Meat for Transportation.*

And whereas the Frauds and Abuses provided against, and intended to be prevented by the said Act, relating to the packing of Beef and Pork; and Dimensions of Cask are still complained of. For the preventing whereof, for the Time to come,

Be it Enacted by the Honourable Patrick Gordon, Esq; Lieutenant Governor of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same,

All tight Cask for Beef and Pork.

Shall contain viz. 31 Gall and a half per Barrel 16 Gall. the Half Barrel.

Every Cooper to Brand his Cask.

And to enter his said Brand mark and Name, &c. with the Officer.

Who shall have One Shilling for entering the same.

On Penalty of Ten Shillings.

That all tight Cask made in this Province, for Beef and Pork for Exportation, shall be made of good, sound, well-seasoned White Oak Timber, and shall contain as follows, *viz.* The Barrel Thirty one Gallons and a Half Wine Measure, and the Half Barrel Sixteen Gallons: And every Cooper residing, or hereafter to reside, within this Province, shall each one for himself provide and have a Distinguishable Brand-Mark, and shall therewith Brand each and every tight Barrel and Half Barrel he shall make, for containing of Beef or Pork for Exportation: But before any such Cooper, shall Brand any Barrel or Half Barrel, as aforesaid; he shall cause such his Brand-Mark, together with his Name and Place of abode, to be entered with the Officer, hereafter appointed by this Act; who is hereby required to enter the same in a Book provided and kept by him for that Purpose, for entering of which the Officer shall have *One Shilling* each, and no more: And every Cooper offending in all, or any of the Premises, on due Proof made, shall Forfeit and Pay the Sum of *Ten Shillings* for every such Offence.

And be it Enacted by the Authority aforesaid, That all Beef and Pork designed for Exportation, from and after the Twentieth Day of September; One Thousand Seven Hundred and Twenty Seven, shall be found and merchantable Meat, well packed and secured with Salt and Pickle, and shall not have more than Two Heads of Pork in one Barrel, nor more than One Head in Half a Barrel.

All Beef and Pork shall be found, &c.

Not more than 2 Heads of Pork in One Barrel.

And

And be it Enacted by the Authority aforesaid, That no Merchant or Person whatsoever, shall Lade or Ship any Beef or Pork for Exportation, out of this Province, before he shall first submit the same to the View and Examination of the Officer or his Deputy, appointed by the Direction of this Act, who shall Search the same, by opening, unpacking and repacking, in Order to judge of the soundness and true package of the Meat, as well as the Contents of the Cask; and if the said Officer or his Deputy, shall find the said Beef or Pork to be merchantable, and the Cask to contain, the Barrel Thirty one Gallons and a Half Wine-Measure and the Half Barrel Sixteen Gallons, according to the Direction of this Act; he shall after the packing or repacking and heading, Brand every such Barrel and Half Barrel on the Quarter, with a Provincial Brandmark, which the said Officer shall have and provide for that Purpose, sufficient to Impress in a fair and distinguishable Manner, the Arms of the Province of Pennsylvania, as in the Margin.

And shall be submitted to the View of the Officer.

Who shall open and repack the same.

And shall if merchantable and full Gauge.

Brand every Barrel & a half Barrel with



Provided always nevertheless, That if any Dispute shall happen to arise between the said Officer and Possessor of such Beef or Pork, concerning the soundness or Package of the same, or Contents of the Cask; application being made to one of the Magistrates of the City or County where the said Dispute arises, who shall Issue his Warrant to Two indifferent judicious Persons of Skill and Integrity, to View and Search the said Beef and Pork, and make Report forthwith according as they find the same; and the said Magistrate is hereby empowered and required, to give Judgment accordingly: And in Case the said Beef or Pork is judged not fit to be exported, the said Magistrate shall Order it not to be exported, under the Penalty of Forfeiture of all such Beef or Pork: And shall also Award and Order the Owner or Possessor of the said Beef or Pork, to pay the said Officer Five Shillings per Cask, for all such Beef or Pork as shall be adjudged not fit for Exportation, as aforesaid, with reasonable Charges. But in Case the said Beef or Pork upon Tryal shall be found to be good and merchantable, according to the Direction of this Act, the Charges of Prosecution shall be paid by the Officer.

Upon any Dispute

A Magistrate shall Issue a Warrant to Persons to View, &c.

And shall upon their Report give Judgment, viz. If not merchantable to be forfeited if Ship'd.

And the Officer to have 5s. per Cask.

But if merchantable the Officer to pay the Charges.

And be it Enacted by the Authority aforesaid, That the Officer hereafter appointed, or to be appointed, or his Deputy shall have and receive, for the viewing, searching and packing or repacking, heading and branding of every Barrel of Beef or Pork One Shilling and Six Pence, and for every half Barrel One Shilling and no more; to be paid one Half by the Buyer or Shipper, and the other Half by the Seller.

The Officers Fee for packing, &c. and branding 1s. 6d. per Barrel 1s. per half Barrel to be paid by the buyer and seller equally.

And be it Enacted by the Authority aforesaid, That the said Officer or his Deputies shall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place in this Province, and into any House, Store or Places whatsoever, within the Province aforesaid, to Search for and make Discovery of any Beef or Pork Ship'd, or intended to be Ship'd for Exportation; and if the Owner or Possessor or their Servants or others shall deny him or them Entrance: Or if the said Officer or his Deputies shall be any ways molested in making such Discovery, as aforesaid; or if such Merchant or Owner shall refuse to Permit the said Officer or his Deputies to View and Examine any Beef or Pork; or not Permit him or them to Brand the same, if merchantable, according to the Direction of this Act, every such Person so offending shall forfeit and Pay the Sum of Ten Pounds. Or shall Ship off any Cask or Casks of Beef or Pork not Branded, with the Provincial Brand-mark aforesaid, every such Person so offending shall forfeit and pay the Sum of Ten Shillings for every Cask so ship'd.

And has Power to enter on board ship, to into House Store &c. to search for Beef or Pork.

And if any Person shall resist or not allow the said Officer to search, View & examine or Brand the same.

shall forfeit 10 l.

Or Ship off without branding shall forfeit 10s. per Cask.

And be it Enacted by the Authority aforesaid, That Nathaniel Griffiths of Philadelphia, Cooper, shall be and is hereby appointed the said Officer for viewing, searching, packing or repacking and branding, as aforesaid all Beef and Pork intended for Exportation; according to the Direction of this present Act. And if the said Nathaniel Griffiths, or other Person hereafter appointed to be the Officer aforesaid, shall by any Accident be rendered incapable, or Neglect to execute the said Office, or shall happen to Dye before or after the Time of putting this present Act in Execution; then and so often and from Time to Time, it shall and may be lawful to and for the Mayor, together with any Two Aldermen of the City of Philadelphia, to supply his Place by some other fit, and capable Person; who shall thereupon be the Officer for putting this Act in Execution, until the Assembly appoints another.

Nathaniel Griffiths the Officer.

In Case of Death or refusal, &c.

The Mayor and two Aldermen to appoint another.

But before the said Nathaniel Griffiths, or any other Person so to be appointed the Officer aforesaid, shall do any Thing in the Execution of his Office, he shall first make Oath or Affirmation before any Justice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Trust to the best of his Capacity, according to the Direction of this present Act.

The Officer to make Oath or Affirmation.

And be it Enacted by the Authority aforesaid, That the said Nathaniel Griffiths, or any other Person appointed the Officer aforesaid,

aforesaid, is hereby impowered to appoint Deputies in the respective Counties of this Province (for whom he or they shall be accountable) which said Deputies are hereby fully impowered to Act as Deputy-Officers for the viewing, searching, packing and branding of Beef and Pork in Manner aforesaid, in their respective Counties, to all Intents and Purposes, as fully as the said *Nathaniel Griffiths*, could do by Virtue of this Act.

And hath Power to appoint Deputies,

And be it Enacted by the Authority aforesaid That if any Person or Persons shall counterfeit the said Provincial Brandmark, or Impress or Brand the same, on any Cask of Beef or Pork, he, she or they being thereof legally convicted, shall for the first Offence, forfeit and pay the Sum of *Five Pounds*, for the Second Offence, the Sum of *Ten Pounds*, and for the Third, and every other such Offence, the Offender shall be committed to Goal and sentenced to the Pillory, there to stand the Space of Two Hours, on a Market Day in any City, Burrough or Town of the respective Counties of this Province, where the Fact was committed.

The Penalty for Counterfeiting the said Brand mark and using the same.

And be it Enacted by the Authority aforesaid, That all and singular the Fines Forfeitures and Penalties in and by this Act set and appointed, shall be one Half to the Governor, for the Support of Government, and the other Half thereof to the Informer, or him or them that will sue for the same; if under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are usually recovered; if above *Forty Shillings* to be sued for and recovered by Bill Plaint or Information, in any Court of Record within this Province, wherein no Effoyne Protection or Wager of Law, nor any more than One Imparlance, shall be allowed.

The Appropriation of the Fines.

And how to be recovered.

CHAP CCLXXXIV.

A Supplementary Act to the Act for Ascertaining the Number of Members of Assembly and to regulate Elections.

WHEREAS by an Act of Assembly of this Province, passed in the Fourth Year of the late *Queen Ann*, Entituled, An Act to Ascertain the Number of Members of Assembly, and to regulate Elections, amongst other Things, It is Enacted, that every Sheriff or, in his Absence, his under Sheriff or such as he shall Depute,

A Recital out of the former Act.

or for want of such Deputation, the Coroner, or such a lie shall appoint, or for want of such appointment any two of the Free-holders, who by the Major Part of the Electors then and there present shall be nominated and appointed Judges of the said Elections, in the absence of the Sheriff or Coroner, shall attend the said Elections, and shall appoint such Number of Clerks for taking the Poll or Votes of the Electors as the Inspectors in the said Act after mentioned shall appoint.

The Reason of the making the said Act.

And whereas, by the said recited Act it doth not clearly appear, what Number of Inspectors are to be Nominated or Chosen by the Major part of the Electors, nor are they laid under any Oath or Affirmation for the true Discharge of the Trust in them reposed by the said Act, from whence some Disputes have arisen to the Delay of the said Elections.

At the Time appointed for the Election the Sheriff or other Judge of the Election being ready to proceed.

The Free men shall Nominate Free-holders to be Inspectors.

And the Sheriff &c. shall put up one by one, whole Free-holders until eight for City and County of Philadelphia, and six for City, Four for Bucks and Four for Chester shall respectively Chosen.

And in the Voters to Nominate the Inspectors out of different parts of the County.

For Remedy whereof, Be it Enacted by the Honourable Patrick Gordon Esq; Lieutenant Governour of the Province of Pennsylvania, &c. By and with the Advice and Consent of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That when the Sheriff of every County of this Province, or his under Sheriff, or such as he shall depute, or for want of such Deputation, the Coroner or such other Person or Persons, who by the before recited Act or any other Law of this Province, are or shall be in the Absence of the Sheriff or Coroner, appointed to be Judges of the said Elections respectively, are ready to proceed according to the Direction of the said Act the Freemen of the Respective Counties, then and there present and having right to be Electors or the Major part of them, shall immediately preceeding every such Election of Representatives, Nominate such substantial Freeholders of the County where such Election is to be, for Inspectors of the ensuing Election, who at the Time and Place aforesaid, shall be put up one by one by the Sheriff or other Judges of the said Elections, until Eight of those Freeholders so nominated, shall be chosen for the County and City of Philadelphia, and Six for the said City of Philadelphia, and the Number four for the Counties of Bucks and Chester respectively, by a fair Majority of the Electors to be Inspectors as aforesaid; having Regard (as much as may be) in all Elections, for the respective Counties of this Province, to choose such Persons for Inspectors as, from their living in different Quarters of the said Counties, may have the most Knowledge of the Qualification or Abilities of the Electors.

And, the said Inspectors when chosen, as aforesaid, before they shall proceed to Act in receiving the Poll or Votes, at the

the said Elections, shall be Qualified by Oath or Affirmation, by the Sheriff of the proper County or other Judges of the Elections, who are hereby impowered and required to Administer the same, That they will duly attend the Ensuing Election during the Continuance thereof, and will Truly and Faithfully assist the Sheriff, Coroner or other Person, who shall by Virtue of the before recited Act, Officiate as Judges of the said Elections to prevent all Frauds and Deceits whatsoever of Electors or others in the Management and carrying on of the same, and in causing the Poll or Votes at such Elections to be taken and cast up according to the Directions of the said recited Act.

The Inspectors shall be Quia sed

B. Oath or Affirmation viz.

And, the said Inspectors are hereby authorized and required to Administer to every Elector or Person, who presents his Ticket for Electing Representatives to serve in Assembly, an Oath or Affirmation, in the Words directed by the aforesaid Act of the fourth of Queen Anne, viz. That such Elector is of Twenty one Years of Age, and a Freeholder for the County of - - - - - and has Fifty Acres of Land or more well seated, and Twelve Acres thereof or more cleared, or that he is otherways Worth Fifty Pounds Money of this Province, clear Estate, and hath been Resident therein for the Space of Two Years, and that he has not been before polled at that Election. Unless the Qualification of such Elector be generally well known or some one or more of the Inspectors shall or will openly declare to the rest that they know such Elector to be Qualified as aforesaid; and the Votes or Tickets of such as offer to Poll and refuse to take the said Oath or Affirmation shall be openly rejected, and the Vote or Ticket of every Person who takes the said Oath or Affirmation shall be put into the Box, and no Ticket so received shall be suppressed.

And shall also Administer to every Elector or Voter an Oath, &c.

The Qualification of every Voter.

Except one or more of the Inspectors know such Voter.

And such as refuse to take the same.

Their Ticket shall be rejected.

Provided, that nothing herein contained shall be deemed or taken to disannul, alter or make Void the said Recited Act, or any Thing therein contained, but that every Clause, Article and Sentence therein, Except what is hereby altered or supplied, shall be and remain in full Force and Virtue.

The recited Act to continue in force Except what is herein altered.

CHAP. CCLXXXV.

A Supplement to the Act for taking Lands in Execution for the Payment of Debts.

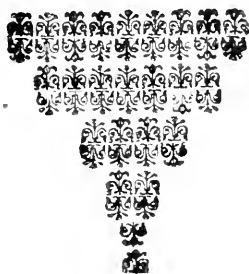
WHEREAS fundry Lands Tenements and Hereditaments, have been taken in Execution and sold, pursuant to the Direction of the abovesaid Act, by some Sheriffs in this Province, who have been removed by Death or otherwise before any Title made or Deeds executed to the Purchaser for the said Lands or Hereditaments so sold, by Reason whereof great Inconveniencies have arisen both to the Purchaser and Debtor: For Remedy whereof and to prevent such Inconveniencies for the Future.

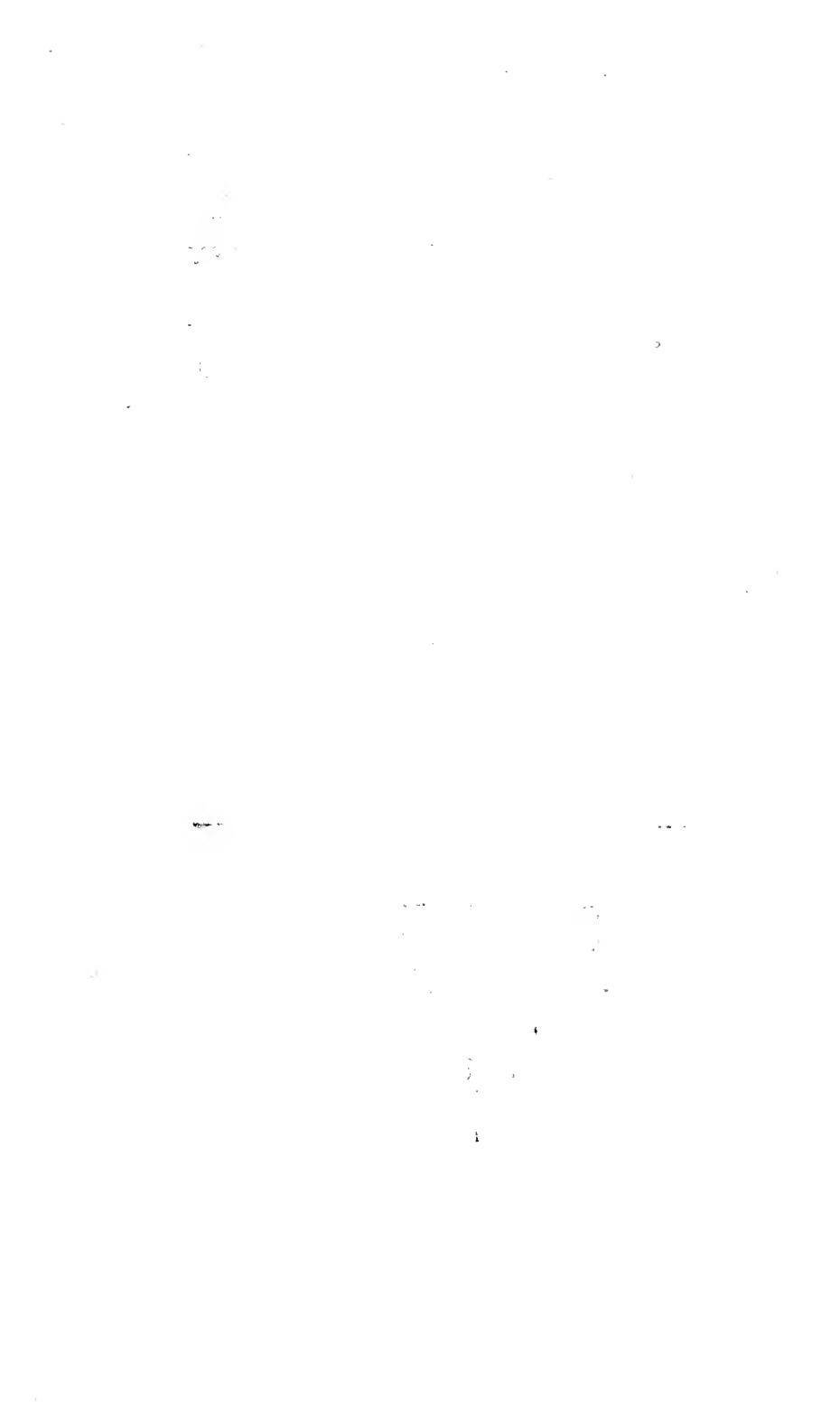
Be it Enacted by the Honourable Patrick Gordon, Esq; Lieutenant Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same,

That where the Sheriff or other proper Officer hath heretofore taken in Execution and either with or without a Writ of *Venditioni exponas* sold any Land or Hereditaments, and hath happened to Dye or be removed before a Title made or Deeds executed for the same, according to the Direction of the said Act; or when ever it shall happen hereafter, that any Sheriff or other proper Officer shall, pursuant to the said Act, take in Execution and sell any Lands or Hereditaments, and shall happen to dye or be removed from his said Office, before the Deeds shall be executed or Title made for the same to the Purchaser, then and so often, and upon all such Accidents, the Plaintiff or Person in whose Behalf Execution was levied may apply to the Court of Common-Pleas for the County where Judgment was obtained, and set forth to them his Case with the Reasons why his Title was not duly perfected by the preceeding or former Sheriff; and the said Court may thereupon as they shall see Cause, and as Justice and Equity shall require, Order and Direct the Sheriff, for the Time being, to compleat any such Title, and execute such Deeds, as aforesaid: And upon such Order obtained, as aforesaid, and entered on the Records of the Court, it shall and may be lawful to and for the present and all succeeding Sheriffs and they are hereby impowered and required (upon the full Discharge and Payment of the Money or Price of such Lands or Hereditaments with such Charges as remain unpaid, to the former Sheriff) to make, Execute and Deliver any Deed or Deeds duly executed and acknowledged in Court, and to perform and do all other Matters and Things which by the former Sheriff might

might, could or ought to have been done in and about the Premises, according to the Direction of the said recited Act, which shall be deemed and adjudged as Effectual in Law as if the same had been done and finished by the said preceeding Sheriff; any Law, Usage or Custom to the Contrary in any wise notwithstanding.

Provided nevertheless, That this Act or any thing therein contained, shall not extend to disannul, alter or make void the said recited Act, or any Part thereof: Save only, what is herein and hereby expressly altered and supplied.





C H A P. CCLXVIII.

An ACT to enable Jeremiah Langhorne, William Biles, Joseph Kirkbrite jun. Thomas Watlon *Practitioner in Physick*, and Abraham Chapman, to build a new Court-House and Prison, in the County of Bucks.

WHEREAS it hath been represented to this House, That the Courts of General Quarter-Sessions of the Peace, and Common-Pleas for the County of *Bucks*, have of late been held at the Borrough of *Bristol*, in the said County: And that a great Number of the Inhabitants are settled many Miles back from that Place, which makes their Attendance at Courts very inconvenient, and burthensome to the People living so remote, and that the Township of *New-Town* is near the Center of the inhabited Part of the said County; and if a Court-House and Prison were erected in the said Township, it would be very commodious, and much for the Ease of the Inhabitants of the said County in general.

Introduction.

May it therefore please the Governour; That it may be Enacted, And be it Enacted by Sir William Keith, Bart. Governour of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province, in general Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the said Jeremiah Langhorne, William Biles, Joseph Kirkbrite jun. Thomas Watlon and Abraham Chapman, or any Three of them, to Purchase and take Assurance to them, and their Heirs, of a Piece of Land, situate in some convenient Place in the said Township of *New-Town*, in Trust and for the Use of the said County; and thereon to erect and build, or cause to be erected and built a Court-House and Prison, sufficient to accommodate the Publick Service of the said County, and for the Ease and Convenience of the Inhabitants.

Trustees or any Three of them to purchase Land for Court-House and Prison.

And be it Enacted by the Authority aforesaid, That for the defraying the Charge of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, who are hereby required to assist and levy so much Money as the said Trustees

Commissioners and Assessors to levy Money for the same.

or

Not exceeding 300 Pounds. or any Three of them, shall judge necessary for purchasing the Land and finishing the said Court-House and Prison.

Provided always, The Sum of Money so raised, do not exceed three hundred Pounds current Money of the Province.

And be it further Enacted by the Authority aforesaid, That when the said Court-House shall be erected as aforesaid, That from thence forth, the several Courts of General Quarter-Sessions of the Peace, and Goal-delivery and the Courts of Common-Pleas for the said County, shall be holden and kept at the said Court-House, when the same is built and erected in the Township of *New-Town* as aforesaid, and the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, or otherwise shall be made and elected at the said Court-House, any Law, Custom, or Usage, to the contrary in any wise notwithstanding.

N. B. This Act comes in between Folio 280 and 281.

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